

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
OF THE UNITED STATES  
1934

VOLUME 7      NUMBER 133

Washington, Wednesday, July 8, 1942

## The President

### EXECUTIVE ORDER 9191

#### AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C. 132), section VI-1 (a) of the Foreign Service Regulations of the United States is hereby amended by renumbering subparagraphs (2), (3), (4), (5), (6), and (7) thereof as subparagraphs (4), (5), (6), (7), (8), and (9), respectively, and including therein new subparagraphs (2) and (3) reading as follows:

- (2) The Department of War.
- (3) The Department of the Navy.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
July 3, 1942.

[F. R. Doc. 42-6392; Filed, July 6, 1942;  
2:23 p. m.]

### EXECUTIVE ORDER 9192

#### AMENDING EXECUTIVE ORDER NO. 9140 OF APRIL 20, 1942, ESTABLISHING THE SAFFORD NATIONAL WILDLIFE REFUGE

##### ARIZONA

By virtue of the authority vested in me by the National Industrial Recovery Act (48 Stat. 195), and as President of the United States, it is ordered as follows:

The first paragraph of Executive Order No. 9140<sup>1</sup> of April 20, 1942, establishing the Safford National Wildlife Refuge, in Arizona, is hereby amended to read:

"WHEREAS certain hereinafter-described lands in the State of Arizona, together with the improvements thereon, have been acquired by the United States in connection with the Safford Arizona Nursery of the Department of Agriculture under the authority of Title II of the National Industrial Recovery Act,

<sup>1</sup> 7 F.R. 2961.

approved June 16, 1933 (48 Stat. 195, 200); and"

The third paragraph of the said Executive Order is hereby amended to read:

"NOW, THEREFORE, by virtue of the authority vested in me under the aforesaid National Industrial Recovery Act, and as President of the United States, it is ordered that, subject to valid existing rights, jurisdiction over the acquired lands, together with improvements thereon within the following-described area, comprising 240 acres, more or less, in Graham County, Arizona, be, and it is hereby, transferred to the Department of the Interior, together with such equipment in use in connection with said lands as may be designated by the Secretary of Agriculture; and the said lands are hereby reserved as a refuge and breeding ground for native birds and other wildlife."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
July 3, 1942.

[F. R. Doc. 42-6391; Filed, July 6, 1942;  
2:23 p. m.]

## Regulations

### TITLE 10—ARMY: WAR DEPARTMENT

#### Chapter III—Claims and Accounts

#### PART 36—CLAIMS AGAINST THE UNITED STATES

##### DESPORTERS

Section 36.41 is hereby amended to read as follows:

§ 36.41 *Forfeiture of deposits and interest.* Paragraph 8, Army Regulations No. 35-2600<sup>1</sup> applies. (R.S. 161; 5 U.S.C. 22) [Par. 8, AR 615-300, June 4, 1942]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-6418; Filed, July 7, 1942;  
10:19 a. m.]

<sup>1</sup> Administrative regulations of the War Department relative to soldiers' deposits.

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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#### Chapter VII—Personnel

##### PART 79—PRESCRIBED SERVICE UNIFORM BARS FOR USE ON BADGES

Section 79.56 (a) (2) (i) is hereby amended to read as follows:

§ 79.56 *Badges for marksmanship, gunnery, bombing, etc.—(a) Badges for qualification in the use of arms.*

(2) *Bars—(i) Original qualification.* To be of silver suspended from the basic badge and marked as follows to show the weapon, or weapon and course, and without showing the date of the qualification:

- (a) Rifle.
- (b) Pistol-D.
- (c) Pistol-N.
- (d) Auto Rifle.
- (e) Machine Gun.
- (f) Coast Arty.
- (g) Mines.
- (h) Field Arty.
- (i) Bayonet.
- (j) Tank Weapons.
- (k) C. W. S. Weapons.
- (l) Machine Rifle.
- (m) Aerial Gunner.
- (n) Aerial Bomber.
- (o) Grenade.
- (p) Small Bore Rifle.
- (q) Small Bore Pistol.
- (r) Submachine Gun.
- (s) Small Bore M. G.
- (t) Carbine.
- (u) Antitank.
- (v) 81-mm Mortar.
- (w) 60-mm Mortar.
- (x) TD 37-mm.
- (y) TD 75-mm.
- (z) TD 57-mm.
- (aa) TD 3-inch.

(R.S. 1296; 10 U.S.C. 1391) [Par. 56a, AR 600-35, November 10, 1941, as amended by Cir. 207, W. D., June 26, 1942]

[SEAL] J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-6452; Filed, July 7, 1942; 11:42 a. m.]

#### TITLE 19—CUSTOMS DUTIES

##### Chapter I—Bureau of Customs

[T.D. 50671]

PART 8—ARTICLES CONDITIONALLY FREE, SUBJECT TO REDUCED RATE, ETC.

FREE ENTRY—FOREIGN MILITARY PERSONNEL AND PRISONERS OF WAR

JULY 3, 1942.

Articles for personal or official use of members of the armed forces of the United Nations other than the United States or for enemy prisoners of war, and articles made by captured members of the armed forces of the United Nations or captured nationals of the United States are entitled to free entry under Public Law 635, approved June 27, 1942.

Public Law 635, approved June 27, 1942, to accord the privileges of free importa-

tion to members of the armed forces of other United Nations, to enemy prisoners of war and civilian internees and detainees, and for other purposes, is published below for your information and guidance:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That all articles imported into the United States, its Territories or possessions, including the Canal Zone and the Virgin Islands, consigned or addressed to members of the armed forces of the United Nations, other than those of the United States, who are on duty therein, which articles are intended for their personal or official use, shall be admitted free of all duties and internal-revenue taxes imposed upon or by reason of importation and all customs charges and exactions: *Provided, however,* That if the Secretary of the Treasury shall find that any of the other United Nations does not accord similar treatment to members of the armed forces of the United States, the privileges herein granted shall, after collectors of customs have been officially advised of such findings, be accorded to members of the armed forces of such nation only to the extent that similar treatment is accorded to members of the armed forces of the United States.

SEC. 2. In order to implement the provisions of article 38 of The Convention Between the United States of America and Other Powers, relating to the Treatment of prisoners of war, signed at Geneva on July 27, 1929, ratified by the President on January 16, 1932, and proclaimed on August 4, 1932 (47 Stat. (part 2) 2021, 2043), all articles consigned or addressed to enemy prisoners of war and enemy civilian internees and detainees in the United States, its Territories or possessions, including the Canal Zone and the Virgin Islands, shall be admitted free of

all duties and internal revenue taxes imposed upon or by reason of importation and all customs charges and exactions.

SEC. 3. All articles made by members of the armed forces of the United Nations interned or detained as prisoners of war by any enemy country or made by nationals of the United States interned or detained by any enemy country as enemy nationals shall, when imported into the United States, its Territories or possessions, including the Canal Zone and the Virgin Islands, be admitted free of all duties and internal revenue taxes imposed upon or by reason of importation and all customs charges and exactions.

SEC. 4. The exemptions from duties, taxes, charges, and exactions provided for by this joint resolution shall be subject to compliance with such regulations as the Secretary of the Treasury shall prescribe.

SEC. 5. This joint resolution shall be effective as to articles entered for consumption or withdrawn from warehouse for consumption on or after the date of its enactment and before the expiration of six months after the termination of the unlimited national emergency proclaimed by the President on May 27, 1941.

The following regulations are hereby promulgated pursuant to the provisions of section 4 of the joint resolution:

§ 8.26a *Free entry of articles for use of armed forces of United Nations and enemy prisoners of war, and articles made by captured members of armed forces of United Nations and captured nationals of the United States.* (a) Collectors of customs shall accord entry free of duty, internal-revenue taxes, and customs charges and exactions to articles within the purview of the joint resolution which are entered, or withdrawn from warehouse, for consumption on or after June

27, 1942, and before the expiration of six months after the termination of the unlimited national emergency proclaimed by the President on May 27, 1941.

(b) If any question arises as to the status of the importer under sections 1 or 2 of the joint resolution or whether articles entered under section 1 are for official use, the collector shall report the available facts to the Bureau of Customs and await instructions.

(c) Collectors of customs shall accord free entry under section 3 of the joint resolution to articles of handicraft made by members of the armed forces of the United Nations interned or detained as prisoners of war or made by nationals of the United States interned or detained by any enemy country as enemy nationals. If free entry is claimed under section 3 for articles which appear to be the subject of a commercial transaction, the case shall be referred to the Bureau for instructions.

(d) The entry requirements prescribed in the Tariff Act of 1930, as amended, or the Customs Regulations of 1937 are applicable to articles for which free entry is claimed under any section of the joint resolution.

(e) Certified or other invoices shall not be required for articles accorded free entry under any section of the joint resolution. (Secs. 481, 484, 498, 46 Stat. 719, 722, 728; 19 U.S.C. 1481, 1484, 1498)

[SEAL]

HERBERT E. GASTON,

Acting Secretary of the Treasury.

F. R. Doc. 42-6450; Filed, July 7, 1942; 11:16 a. m.]



properties leased by the Public Service Company of Indiana. All coal produced comes from the Sixth Vein and is consumed by the lessee at its Edwardsport generating plant in Knox County. Like all other Sixth Vein mines in Knox County, the Edwardsport Mine is a truck mine. It is operated by the strip method. The coal is extracted by the Edwardsport Excavating Company, a partnership consisting of Ollie Richardson and John Kerzan, Jr., acting as independent contractor under contracts with the Public Service Company. The independent contractor has "complete and sole supervision over and responsibility for the mining operations \* \* \*". It owns the stripping and loading shovels, a tippie located about a mile from the pit, and the trucks by which the coal is hauled from the mine to the tippie. At the tippie, the mine run coal is passed through a 2" bar screen; the oversized coal passes on to a belt-picking table where impurities are discarded; and thereafter both undersized and oversized coal, having been mixed in the same bin, is hauled by independent truckers as mine run coal to the power plant. The distance from the tippie to the power plant is about 3 miles. At the tippie, the mine run coal is crushed, for the power plant has use for coal only below 1½".

In 1941, 305,617 tons of coal were delivered to, and 288,500 tons of coal were consumed at, the Edwardsport power plant of the Public Service Company of Indiana. The source of 240,422 tons of this coal was the Edwardsport Mine. The remaining 25 percent of the tonnage delivered to the power plant was purchased from other truck mines in Knox County, in both the Fifth and Sixth Veins. According to E. W. Hebel, representative of the Public Service Company at the informal conference, the Edwardsport Mine alone could satisfy the entire fuel requirements of the power plant. However, coal is purchased from other mines in Knox County, it was said, partly as a favor to them and partly because it has been found that a mixture of Fifth and Sixth Vein coals affords more efficient generation.

The cost to the Public Service Company of the coal produced at the Edwardsport Mine as delivered to the power plant is \$1.35 per ton. \$1.25 of this amount goes to remunerate the independent contractor for the mining of the coal and trucking it to the generating plant, and 10 cents a ton is paid as royalties to the lessors.

Jonas Waffle, Chairman of District Board No. 11, explained that action has been taken only now to have minimum prices established for the Edwardsport Mine, although the Excavating Company became a code member in April 1940, because applications for orders exempting the various coal acreages constituting the Edwardsport Mine from the provisions of Section 4 of the Act had been

filed by the Public Service Company under Section 4-A of the Act and had been pending before the Division. On February 28, 1941, counsel for the applicant and the General Counsel of the Division entered into a stipulation providing, *inter alia*, that if the Director's Order denying exemption in the Seaboard Air Line Railway Case were sustained by the United States Supreme Court, the Public Service Company "consents to the entry of an order of the Director denying, on the merits \* \* \*" its application for exemption.<sup>2</sup> The Director's Order denying exemption to the Seaboard Air Line Railway was upheld by the Supreme Court.<sup>3</sup> An Order was then issued by the Acting Director, dated January 21, 1942, in which all pending exemption applications filed by the Public Service Company were denied, the denial to be effective within 60 days or as soon as temporary or final minimum prices were established for the Edwardsport Mine, whichever period was shorter.<sup>4</sup> (Docket No. 506-FD.)

Waffle stated that the Excavating Company requested the District Board on February 2, 1942, to initiate procedure for the procurement of price classifications for Edwardsport coals. Pursuant to a request of the Public Service Company, a conference was held February 13, 1942, at the office of the District Board between District Board officials and representatives of the independent contractor and of the power company. After the committee of the District Board to which the matter had been referred made its report, meetings were held by the Board at one of which representatives of the Excavating Company and of the Public Service Company were present. The District Board caused laboratory and screen analyses to be made of the coal produced at the mine. On the basis of these analyses and of data submitted to it by the Public Service Company, and as a result of the conferences and meetings, District Board No. 11 now proposes that the same price classifications and minimum prices be given coals produced at the Edwardsport Mine as are presently effective for coals produced at other Sixth Vein truck mines in Knox County.

The price recommended by District Board No. 11 for mine run coal produced at the Edwardsport Mine, such as has been delivered to the power plant, is \$1.80 per ton f. o. b. the mine for truck shipment. If crushing and screening apparatus were installed at the mine or the tippie, and screenings 1½" and under (Size Group 14) were produced, the f. o. b. mine price would be \$1.25 per ton.

Kerzan stated that he would have no objection to an f. o. b. mine price of \$1.11 being established for Edwardsport screenings whereby the delivery cost to the power plant for Edwardsport coals would continue to be \$1.35 a ton.

<sup>2</sup>The Language of the stipulation is thus quoted in the Acting Director's Order dated January 21, 1942.

<sup>3</sup>*Gray v. Powell*, 312 U. S. 666, 61 S. Ct. 824, 85 L. Ed. 1111 (1941).

<sup>4</sup>Orders subsequently entered on March 18, 1942, April 23, 1942, and May 21, 1942, have extended the effective date of denial to 150 days, 506 FD. etc.

Hebel announced that the Public Service Company was opposed to granting the relief asked by the District Board for two reasons. In the first place, Hebel contended that the Division is without statutory authority to fix prices for coal that is produced by an independent contractor for the owner thereof who consumes it. The basis for this contention lies in a restricted interpretation of the decision in *Gray v. Powell*. Hebel asserted that *Gray v. Powell* only holds that the independent contractor who extracts coal for the owner must accept the Code. He denied that support may be found in the decision for the proposition that prices may be prescribed for transactions in which no sale of coal takes place.

The Act sets forth in Section 4-A the procedure that is to be followed in applying for exemption from the price fixing provisions of the Act. In this proceeding instituted pursuant to section 4 II (d) of the Act, no argument may be directed against existence in the Director of authority to fix prices. Moreover, it would seem that the company is estopped by its stipulation with the Division to claim exemption. In any event, it is clear that the scope of *Gray v. Powell* is not to be restricted to the holding that the determination of the Director that an independent contractor in extracting the consumer's coal was to be deemed the producer thereof was not to be disturbed. The court was faced with the contention of the Seaboard Air Line Railway that, when title is not transferred by the producer, price provisions of the Act do not apply. It was expressly held that a sale is not a necessary condition to the existence of the price fixing powers of the Director.

In the second place, Hebel expressed opposition, on behalf of the Public Service Company, to the prices themselves which have been proposed by District Board No. 11. Without himself proposing any specific prices to be substituted for those recommended by the District Board, Hebel contended that the recommended prices should not be established for the Edwardsport Mine because of an alleged requirement of the Act that differentiation in classification must be made between coals produced for commercial sale and those produced for use by the owner thereof. Hebel pointed out that an independent contractor who extracts coal for the use of the owner has no costs attributable to investment in land. Such a producer has no selling expenses; and his administrative expenses are substantially less than those borne by the producer of coal for the open market. Therefore, Hebel argued, in fixing minimum prices for the Edwardsport Mine, there should be subtracted from the minimum price per ton effective for commercial coal an amount which is equal to the costs of production per ton which the producer of such coal has to bear but which are not born by the Excavating Company.

However, the Act does not require that the price structure be so fashioned that each individual producer will realize only his costs of production; and, hence,

<sup>1</sup>Language of the stipulation entered into between the Public Service Company and the Bituminous Coal Division in certain dockets of which the representative of the Public Service Company at the informal conference requested that judicial notice be taken.

the Act does not call for any differentiation in classification such as has been suggested by Hebel. The Act does require that in each defined minimum price area the average weighted costs of production be realized; but, once this requirement is satisfied, costs of production are not further involved in the process of price fixing contemplated by the Act. What is involved is the coordinating of prices in a fair and reasonable manner, for coals moving into common consuming market areas. As nearly as possible, the price structure is to preserve existing fair competitive opportunities and reflect the relative market value of coals.

It is claimed by Hebel that, in no event, ought the prices to be established for the Edwardsport coals result in an increase over their present delivered cost to the power plant. It is claimed that an increase will constitute a disruption of a fair competitive relationship now existing between the Edwardsport Mine and other truck mines in Knox County. It is true that maintenance of the differential presently existing between Edwardsport coals and those produced at other truck mines in the Sixth Vein in Knox County will not be detrimental to these other truck mines, because abolition of the differential will probably be of no benefit to the other truck mines. The Public Service Company will probably not purchase more of its fuel requirements from independent operators than it does now should the recommended prices be established.<sup>6</sup>

But it cannot be successfully contended that anything in the price provisions of the Act requires the maintenance of the existing differential between Edwardsport coals and those of commercial truck mines in the Sixth Vein. Preservation of the existing differential will not make for a preservation of existing fair competitive opportunities. No fair, competitive relationship can be said to exist between unregulated coals produced at the Edwardsport Mine and the regulated coals produced at other truck mines in Knox County.

On the contrary, discussion at the informal conference indicates that abolition of the differential by establishing the same prices for the Edwardsport Mine as are effective now for other Sixth Vein truck mines in Knox County will cause the price structure to reflect the relative value of Edwardsport coals as against other Sixth Vein truck coals produced in Knox County. The analyses made of the Edwardsport coals by District Board No. 11 show that these coals are analogous to other Sixth Vein coals produced in Knox County.

This has not been denied. Kerzan admitted that if the Edwardsport coals were sold in the open market he would "probably not" object to the price classifications advocated by the District Board on the basis of the quality of the Ed-

<sup>6</sup> Hebel indicated that, if the delivered cost to the power plant of screenings produced at the Edwardsport Mine is above \$1.35 per ton after prices are established, the Edwardsport Mine might be transformed into a captive mine.

wardsport coals. Furthermore, Waffle pointed out that, whereas the Director in the proceeding designated and known as "General Docket No. 15," had determined that the properly-related differential between Standard Fifth Vein and Sixth Vein coals in screening and industrial sizes was 15 cents on a delivered basis in favor of the Sixth Vein Coals, the differential on a delivered basis that will exist under the prices recommended by District Board No. 11 between the Edwardsport coals and Standard Fifth Vein screenings which could move into the power plant by rail will be 32 cents in favor of Edwardsport coal. Waffle stated that in his opinion the District Board "has been rather generous in not insisting" upon properly-related delivered prices between Edwardsport and Standard Fifth Vein screenings.

The statements of Waffle made at the informal conference show that District Board No. 11 proposed price classifications and minimum prices as proper for the coals produced at the Edwardsport Mine by the Edwardsport Excavating Company after full consideration of all pertinent data, including the points of view held by the producer and by the consumer, the Public Service Company.

As stated above, the fact that certain costs are not encountered by the producer of Edwardsport coals that are borne by producers of comparable quality in Knox County does not require that a price lower than that accorded coals of comparable quality be fixed for Edwardsport coals. There appears to be support for the contention that the prices proposed by the District Board properly relate the coals to comparable coals. However, the Public Service Company should not have to pay more for coal at the Edwardsport tipple than other consumers would have to pay. Provision should be made for the allowance to the Public Service Company of a credit from the price effective f. o. b. the mine equal to whatever royalties the company pays directly to the lessor for the production of coal at the mine.

I conclude that the proposed prices less the royalty will effectuate the provisions of subsections (a) and (b) of

section 4 II of the Act and that they may and should be established.

It is, therefore, ordered, That pending final disposition of the above entitled matters temporary relief be and the same hereby is granted as follows:

1. Commencing forth with § 331.24 (General prices in cents per net ton for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments is amended by the establishment for the coals produced at the Edwardsport Mine, Mine Index No. 1313, by the Edwardsport Excavating Company of the minimum prices set forth in Supplement T, annexed to and made a part hereof.

2. § 331.21 (Price instructions and exceptions—(b) Price exceptions) in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments be, and it hereby is, amended by the establishment of the following price exception:

So long as the Public Service Company of Indiana, Inc., continues to assume the burden of royalty payments involved in the production of coal at the Edwardsport Mine, Mine Index No. 1313, a credit from the minimum prices effective f. o. b. the Edwardsport Mine equal to such royalty payments may be extended to the Public Service Company of Indiana, Inc.

It is further ordered, That pleadings in opposition to the petition in the above entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted, may be filed with the Division within 30 days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final 45 days from the date of this order, unless it shall otherwise be ordered.

Dated: June 22, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

#### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES\* FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

##### FOR TRUCK SHIPMENTS

#### § 331.24 General prices in cents per net ton for shipment into all market areas— Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.															
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16		
KNOX COUNTY																			
Edwardsport Excavating Co. (John Kerzan, Jr.)	1313	Edwardsport.....	6	250	245	240	230	225	220	180	185	170	165	135	125	70	40		

(Docket No. A-1309 Part II)

PART 335—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 15

## ORDER GRANTING RELIEF

Order granting relief in the matter of the petition of District Board No. 15 for the establishment of Price Classifications and minimum prices for the coals of Mine Index Nos. 1579 and 1587 and for revision of the price classifications and minimum prices for the coals of Mine Index Nos. 890 and 164 in District No. 15.

A petition having been filed by the Bituminous Coal Division on February 7, 1942, by District Board No. 15, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for coals produced by code

members James Trent, operating the Trent Mine, Mine Index No. 1579, and Pearson & Son operating the William Gray Mine, Mine Index No. 1587, for a change in the county designation of the mine of M. R. Phears, Mine Index No. 890, from Monroe County to Ralls County, Missouri, and for a reclassification and regrouping of the Rich and Messina Mine, Mine Index No. 164, operated by R. and R. Coal Company from Production Group 7 to Production Group 8, thereby reducing the applicable minimum prices for coals produced in said mines;

A petition for intervention having been filed by the Bituminous Coal Producers Board for District 12;

A hearing having been held in this matter, pursuant to appropriate orders,

before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Kansas City, Missouri, at which interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the petitioner and District Board 12 appeared;

The parties having waived the preparation and filing of the Examiner's report, and a record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That fifteen (15) days from the date hereof,

## DISTRICT No. 15

NOTES: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

## FOR TRUCK SHIPMENTS

## § 335.24 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine index No.	Mine	Production group No.	County	3" lump	3 1/2" up	10" x 15 1/2"	10" x 14"	3" x 20"	3" x 14"	2" x 1 3/4"	1 3/4" x 1"	Mine run	3" x 0	1 1/2" x 3/8"	1 3/4" x 3/4" (R)	1 3/4" x 0 (W)	1 3/4" x 0 (R)	3 1/4" x 0
R. & B. Coal Co. (Arthur Rich)	164	Rich & Messina	8	Pittsburg, Okla.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

TITLE 31—MONEY AND FINANCE:  
TREASURY

## Chapter II—Fiscal Service

[Dept. Circ. 530, 5th Rev.]

## Subchapter B—Bureau of the Public Debt

PART 315—REGULATIONS GOVERNING  
UNITED STATES SAVINGS BONDS

JUNE 1, 1942.

Department Circular No. 530, Fourth Revision, dated April 15, 1941 (6 F.R. 2191), as amended, is hereby further amended and issued as a Fifth Revision to read as follows:

The following regulations governing United States Savings Bonds are published for the information and guidance of all concerned:

## SUBPART A—APPLICABILITY

Sec.

315.1 Applicability of regulations.

## SUBPART B—REGISTRATION

315.2 General.

315.3 Restrictions.

315.4 Authorized forms of registration, Series E.

315.5 Authorized forms of registration, Series F and G.

315.6 Unauthorized registration.

315.7 Forms of registration on reissue.

## SUBPART C—LIMITATION ON TRANSFER

315.8 Not transferable.

## SUBPART D—LIMITATION ON HOLDINGS

315.9 Amount which may be held.

315.10 Calculation of amount.

315.11 Disposition of excess.

SUBPART E—LOST, STOLEN, MUTILATED, DEFACED,  
OR DESTROYED BONDS

315.12 Relief in case of loss, etc.

## SUBPART F—SAFEKEEPING FACILITIES

315.13 Safekeeping of bonds.

## SUBPART G—INTEREST

315.14 General.

315.15 Appreciation bonds.

315.16 Current income bonds.

SUBPART H—GENERAL PAYMENT AND REDEMPTION  
PROVISIONS

315.17 Payment at maturity.

315.18 Redemption before maturity.

315.19 Form and execution of requests for payment.

315.20 Certifying officers.

315.21 General instructions to certifying officers.

315.22 Interested persons not to certify.

315.23 Presentation and surrender.

315.24 Partial redemption.

SUBPART I—MINORS AND PERSONS UNDER OTHER  
LEGAL DISABILITY

315.25 Payment to legal guardians.

315.26 Payment to minors.

315.27 Payment to parents of minors.

315.28 Payment to voluntary guardian of person under disability.

SUBPART J—SINGLE NAME; ADDITION OF  
COOWNER, ETC.

315.29 Reissue for certain purposes.

315.30 Reissue upon request of a minor.

315.31 Reissue only at Federal Reserve Banks and Treasury.

## SUBPART K—TWO NAMES; COOWNERSHIP FORM

315.32 Payment or reissue.

315.33 Place of reissue.

SUBPART L—TWO NAMES; BENEFICIARY FORM  
Sec.

315.34 Payment to registered owner.

315.35 Reissue during the lifetime of registered owner.

315.36 Payment or reissue to beneficiary.

315.37 Payment or reissue after death of the surviving beneficiary.

315.38 Conditions of reissue.

## SUBPART M—FIDUCIARIES

315.39 Payment to fiduciaries.

315.40 Reissue in the name of a succeeding fiduciary.

315.41 Reissue in the name of, or payment to, the person entitled.

315.42 Bonds held by trustee where reissue not authorized.

SUBPART N—PRIVATE CORPORATIONS, ASSOCIATIONS,  
PARTNERSHIPS, ETC.

315.43 Payment to corporations or unincorporated associations.

315.44 Payment to partnerships.

315.45 Reissue or payment to successors of corporations, unincorporated associations, or partnerships.

315.46 Reissue or payment on dissolution.

SUBPART O—STATES, PUBLIC CORPORATIONS, AND  
PUBLIC BOARDS, COMMISSIONS AND OFFICERS

315.47 In names of states, public corporations and public boards.

315.48 In names of public officers.

## SUBPART P—DECEASED OWNERS

315.49 Payment or reissue on death of owner.

315.50 Forms of registration on reissue.

SUBPART Q—CREDITORS' RIGHTS AND JUDICIAL  
PROCEEDINGS

315.51 Creditors' rights.

315.52 Determination of interest as between owner and coowner or beneficiary.

315.53 Evidence necessary.

315.54 Bankruptcy and insolvency.

SUBPART R—PLEDGE WITH SECRETARY OF TREASURY  
OR FEDERAL RESERVE BANKS

315.55 Deposit under Department Circulars No. 154 and No. 657.

SUBPART S—REISSUE AND DENOMINATIONAL  
EXCHANGE

315.56 General.

315.57 Requests for reissue.

315.58 Agencies authorized to make reissue.

315.59 Date of bonds on reissue.

315.60 Effective date.

315.61 Denominational exchange.

## SUBPART T—FURTHER PROVISIONS

315.62 Regulations prescribed.

315.63 Preservation of rights.

315.64 Additional proof; bond of indemnity.

315.65 Correspondence and forms.

315.66 Supplements, amendments or revisions.

AUTHORITY: §§ 315.1 to 315.66, inclusive, issued under R.S. 161 (5 U.S.C. 22), the Second Liberty Bond Act, as amended, and the Public Debt Act of 1941, sec. 3 (55 Stat. 7)

## SUBPART A—APPLICABILITY

§ 315.1 *Applicability of regulations.* These regulations apply generally to all United States Savings Bonds of all series of whatever designation and bearing any issue dates whatever except as otherwise specifically provided herein.

## SUBPART B—REGISTRATION

§ 315.2 *General.* United States Savings Bonds will be issued only in registered form. The name and complete post office address of the owner, as well as the

name of the coowner or designated beneficiary, if any, and the date as of which the bond is issued will be inscribed thereon at the time of issue by an authorized issuing agent.<sup>1</sup> The form of registration used must express the actual ownership of and interest in the bond and, except as otherwise specifically provided in these regulations, will be considered as conclusive of such ownership and interest. No designation of an attorney, agent or other representative to request or receive payment on behalf of the owner, nor any restriction on the right of such owner to receive payment of the bond, other than as provided in these regulations, may be made in the registration or otherwise.

§ 315.3 *Restrictions.* Only residents (whether individuals or others) of the United States, including its territories and insular possessions, the Canal Zone and the Philippine Islands, and American citizens temporarily residing abroad, may be named as owners, coowners or designated beneficiaries, on bonds originally issued on or after April 1, 1940, or authorized reissues thereof.<sup>2</sup>

§ 315.4 *Authorized forms of registration, Series E.* Bonds of Series E may be registered only in the names of individuals (natural persons), whether adults or minors, in their own right in one of the following forms of registration:

(a) *One person.* In the name of one person, for example: "John A. Jones."

(b) *Two persons; coownership form.* In the names of two (but not more than two) persons in the alternative as coowners, for example:

John A. Jones or Mrs. Ella S. Jones.

No other form of registration establishing coownership is authorized.

(c) *Two persons; beneficiary form.* In the name of one (but not more than one) person, payable on death to one (but not more than one) other person, for example:

John A. Jones, payable on death to Miss Mary E. Jones.

"Payable on death" may be abbreviated as "p. o. d." The first person named is hereinafter referred to as the owner or registered owner, and the second person named as the beneficiary or designated beneficiary. If it is desired that a bond revert to the United States upon the death of the owner as a donation, it may be registered in the name of the owner with the Treasurer of the United States named as beneficiary.

The full name of the owner and that of the coowner or beneficiary, if any, should be used and should be the name by which the person is ordinarily known and under which he does business; if there are two given names the initial of

<sup>1</sup> The date of maturity is also inscribed on Savings Bonds of Series A, Series B and Series D.

<sup>2</sup> Under the terms of Executive Order No. 8389, as amended, and the regulations issued thereunder, bonds may not be issued to nationals (as defined in said order) of blocked countries or to nationals of enemy countries, whether or not residing in the United States, unless such nationals are generally or specially licensed under the terms of the order.

one may be used, and if a person is habitually known and does business by initial only of his given names, registration may be in such form. The name may be preceded by any applicable title such as "Dr.", "Rev.", etc., and in the case of women should be preceded by "Mrs." or "Miss". A married woman's own name should be used, not that of her husband, for example, "Mrs. Mary A. Jones", not "Mrs. Frank B. Jones". A minor, whether or not under legal guardianship, may be named as owner or coowner, if the bonds are purchased as a gift to him and a minor may name a coowner or beneficiary on bonds purchased by him from his wages, earnings, or other money in his possession; but bonds purchased by a parent or guardian with funds already belonging to a minor must be registered in the minor's name alone without the addition of a coowner or beneficiary. If a person named in the registration of the bond is under legal disability and a guardian or similar representative of his estate has been appointed by a court or is otherwise legally qualified, the registration should indicate such facts by the addition of appropriate words, for example, "Frank Jones, a minor under legal guardianship of Henry Smith". Bonds should not be registered in the name of a person under disability for reasons other than minority unless a legal representative of his estate has been appointed.

§ 315.5 *Authorized forms of registration, Series F and G.* Bonds of Series F or G may be registered in the names of individuals in their own right as set forth in § 315.4 above, and subject to the same conditions as therein set forth. Bonds of these two series may also be registered in the names of fiduciaries, corporations, associations or partnerships, except that they may not be registered in the names of commercial banks, that is, banks accepting demand deposits in the usual and general course of business. The following forms are authorized for such registration:

(a) *Executors, administrators, guardians, etc.* In the name of one or more executors, administrators, guardians, conservators, or other representatives of a single estate appointed by a court of competent jurisdiction or otherwise legally qualified, all of whose names must be included in the registration, followed by adequate identifying reference to the estate, for example:

"John Smith, executor of the will (or administrator of the estate) of Henry J. Smith, deceased", or "William C. Jones, guardian (or conservator, etc.) of the estate of James D. Brown, a minor (or an incompetent)."

If a guardian or other legal representative holds a common fund for the account of two or more estates or wards, bonds should be registered in the name of the representative for each such estate or ward separately, even though the representative was appointed in a single proceeding. A father or mother, as such, or as natural guardian, is not considered a fiduciary for purposes of registration.

(b) *Trustees.* In the name or names of one or more trustees or other fidu-

ciaries of a single duly constituted trust estate, which will be considered as an entity, followed by adequate identifying reference to the trust instrument or other authority creating the trust, for example:

John C. Brown and the First National Bank, trustees under the will of Henry C. Brown, deceased, or The Second National Bank, trustee under an agreement with George E. White, dated February 1, 1935.

The names of all trustees must be given, unless they are too numerous, act as a board or hold office for a limited period of time. Registration may be in the title without the names of the trustees in the case of unincorporated lodges, churches, societies or similar organizations, title to whose property is held by trustees, and in the case of public officers, corporations or bodies acting as trustees under express authority of law, for example:

Trustees of the First Baptist Church, Akron, Ohio, an unincorporated association, or Treasurer of the State of Nebraska, in trust for the policyholders of X Corporation, under Section ---- of Nebraska Statutes.

If the instrument or other authority creating the trust establishes a board of trustees acting as a board and not as individuals, registration may be in the name of the board as such, for example:

Board of Trustees for the State Hospital for the Insane, under Section ---- of Nebraska Statutes.

Registration may not be made in the names of trustees under an agreement or other instrument purporting to create a trust where the funds used represent merely security for the performance of an obligation, except under a statute the terms of which expressly create an actual trust relationship.

(c) *Pension or retirement funds, etc.* Registration may be made in the names and title, or title, alone, of trustees of a pension or retirement fund or of an investment, savings, insurance, annuity, or similar fund or trust, but in all such cases the fund will be regarded as an entity regardless of the number of beneficiaries or the manner in which their respective interests are established or determined. Segregation of individual shares as a matter of bookkeeping or as a result of individual agreements with beneficiaries will not operate to constitute separate trusts under these regulations.

(d) *Private corporations and associations.* In the name of any private organization whether incorporated or unincorporated (except commercial banks as hereinbefore defined), using in each case the full legal name of the organization without mention of any officer or member but making reference, if desired, to a particular bookkeeping account or fund (not a trust), as follows:

(1) A private corporation, followed by the words "a corporation", for example: "Smith Manufacturing Company, a corporation";

(2) An unincorporated association, lodge, church, or society, or similar body,

followed by the words "an unincorporated association", for example: "The Lotus Club, an unincorporated association". The term "an unincorporated association" should not be used to describe a trust fund, a partnership or a business conducted under a trade name;

(3) A partnership, considered as an entity, followed by the words "a partnership", for example: "Smith and Brown, a partnership".

(e) *States and public corporations.* In the full legal name or title of the owner or custodian of public funds, other than trust funds, as follows:

(1) Any sovereignty, as a State, or any public corporation, as a county, city, town or school district, for example: "State of Maine", or "Town of Rye, New York".

(2) Any board, commission or other public body duly constituted by law, for example: "Maryland State Highway Commission".

(3) Any public officer designated by title only, for example: "Treasurer, City of Chicago".

Registration may include reference to a particular bookkeeping account, if desired.

(f) *Schools.* Registration is not authorized in the name of an unincorporated or public school, or class or activity thereof. Bonds held for the benefit of such school, class or activity should be registered in the name of a school principal or other school officer, as trustee, by title only, for example: "Principal, Western High School, in trust for Class of 1940 Library Fund"; a written agreement of trust will not be required in cases of small amounts.

§ 315.6 *Unauthorized registration.* Savings bonds inscribed in a form not substantially in agreement with those authorized by this subpart will not be considered as validly issued and will be accepted only for a refund of the purchase price except in those cases in which reissue can be made under the provisions of these regulations.

§ 315.7 *Forms of registration on reissue.* Bonds reissued under the provisions of these regulations may be reissued in any form of registration permitted by the regulations in effect on the date of original issue.

#### SUBPART C—LIMITATION ON TRANSFER

§ 315.8 *Not transferable.* United States Savings Bonds are not transferable and are payable only to the owners named thereon except in case of the disability or death of the owner or as otherwise specifically provided herein, but in any event only in accordance with the provisions of these regulations. Accordingly, savings bonds may not be sold or hypothecated as collateral for a loan and may not be used as security for the performance of an obligation except as expressly provided in these regulations.

#### SUBPART D—LIMITATION ON HOLDINGS

§ 315.9 *Amount which may be held.* As provided by section 22 of the Second

Liberty Bond Act, as added February 4, 1935 (U.S.C. 1940, Ed., title 31, section 757c), and by regulations prescribed by the Secretary of the Treasury pursuant to the authority of that section, as amended by the Public Debt Act of 1941, 55 Stat. 7, the amounts of savings bonds of the several series issued during any one calendar year that may be held by any one person at any one time are limited as follows:

(a) Series A, B, C and D—\$10,000 (maturity value) of each series.

(b) Series E—\$5,000 (maturity value).

(c) Series F and G—\$50,000 (issue price) for the calendar year 1941 and \$100,000 (issue price) for each calendar year thereafter, of either series or of the combined aggregate of both.

The term "person" shall mean any legal entity, including but not limited to, an individual, a partnership, a corporation (public or private), an unincorporated association or a trust estate.

§ 315.10 *Calculation of amount.* In computing the amount of savings bonds of any one series issued during any one calendar year held by any one person at any one time, for the purpose of determining whether the amount is in excess of the authorized limit as set forth in the next preceding section, the following rules shall govern:

(a) The holdings of each person, as defined in the next preceding section, individually and in a fiduciary capacity, shall be computed separately.

(b) In the case of bonds of Series A, B, C, D and E, the computation shall be based upon maturity values. In the case of bonds of Series F and G, the computation shall be based upon issue prices.

(c) There must be taken into account (1) all bonds originally issued to and registered in the name of that person alone or in his name with another as coowner, and (2) all bonds reissued to add his name as coowner under the provisions of § 315.29 (a) hereof, or to designate him as a coowner instead of as a beneficiary, under the provisions of § 315.35 hereof.

(d) There must be taken into account all bonds of Series A, B, C and D acquired before March 1, 1941, on the death of another or the happening of any other event, but not those of which such person is merely the designated beneficiary upon the death of the registered owner, or those held for his benefit by a fiduciary, unless he became entitled to such bonds absolutely before March 1, 1941, as the result of the death of the registered owner or the termination of the trust, as the case may be.

(e) Nothing herein contained shall be construed to invalidate any holdings within, or to validate any holdings in excess of, the authorized limits, as computed under the regulations in force at the time such holdings were acquired.

§ 315.11 *Disposition of excess.* If any person at any time acquires savings bonds issued during any one calendar year in excess of the prescribed amount

the excess must be immediately surrendered for refund of the purchase price.

#### SUBPART E—LOST, STOLEN, MUTILATED, DEFACED OR DESTROYED BONDS

§ 315.12 *Relief in case of loss, etc.* Under the provisions of the Government Losses in Shipment Act, relief either by the issue of a substitute bond or by payment may be given in case of the loss, theft, destruction, mutilation or defacement of a savings bond. In any such case immediate notice of the facts, together with a complete description of the bond (including series, year of issue, serial number and name and address of the registered owner) should be given to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago, Illinois. The Department will thereupon furnish an appropriate form and full instructions for presenting the evidence necessary to secure relief under the law and the regulations as contained in Department Circular No. 300, as amended. If such bond is subsequently recovered immediate notice of such recovery should be given to the Division of Loans and Currency (at the address above), in order that delay may be avoided upon a later presentation of the bond for payment.

#### SUBPART F—SAFEKEEPING FACILITIES

§ 315.13 *Safekeeping of bonds.* Arrangements may be made for the safe keeping of a savings bond by the Treasury or by a Federal Reserve Bank as fiscal agent of the United States. Application forms for safekeeping may be secured from postmasters, Federal Reserve Banks or the Treasury Department.

#### SUBPART G—INTEREST

§ 315.14 *General.* United States Savings Bonds are issued in two forms: (1) appreciation bonds, issued on a discount basis and redeemable before maturity at increasing fixed redemption values; and (2) current income bonds, bearing interest payable semiannually and redeemable before maturity at fixed redemption values less than the face amount of the bond. At present Series G constitutes the only issue of current income savings bonds.

§ 315.15 *Appreciation bonds.* No interest as such is paid on savings bonds issued on a discount basis. Such bonds increase in redemption value at the end of the first year from issue date and at the end of each successive half-year period thereafter until their maturity, when the full amount becomes payable. The increment in value represents interest and is payable only on redemption of the bonds, whether at or before maturity.

§ 315.16 *Current income bonds.* Each such bond bears interest at a specified rate computed on the face amount of the bond and payable semiannually, beginning six months from issue date. Except for redemption at par as provided in § 315.18 (c) of Subpart H hereof, full advantage of interest at the rate specified may be secured only if the bonds are held to maturity; if bonds are redeemed before maturity at current redemption

values the difference between the face or full maturity value and the current redemption value then payable in accordance with the table printed on the face of each bond, will represent an adjustment of interest for the rate appropriate for the shorter term, as set forth in the tables attached to the circular announcing the issue of such bonds.

(a) *Method of interest payments.* Interest due on current income bonds will be paid on each interest payment date by check drawn to the order of the person or persons in whose name the bond is inscribed in the same form as their names appear in the inscription on the bond, except that in the case of a bond registered in the form "A, payable on death to B", the check will be drawn to the order of A alone until the Treasury receives notice of A's death, from which date the payment of interest will be suspended until such time as the bond is presented for payment or reissue. Interest so withheld will be paid to the person entitled to payment of the bond, or in case of reissue to the person in whose name the bond is reissued. Interest checks on bonds registered in the names of coowners will be mailed to the payee first named at his address of record unless otherwise specifically directed.

(b) *Reissue during interest period.* If a current income bond is reissued for any reason between interest payment dates, interest for the entire period will be paid, on the next interest payment date, by check drawn to the person in whose name the bond is reissued. Ordinarily, if a bond is received for reissue less than a month prior to an interest payment date reissue cannot be effected until after such interest payment date.

(c) *Change of address.* Prompt notice should be given to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago, Illinois, of any change of address by the owner of current income bonds. The notice should refer to all bonds for which it is desired that the address be changed and should describe each bond by date, serial number, series (including year of issue) and inscription appearing on the face of the bond.

(d) *Termination of interest.* In case of redemption prior to maturity of current income bonds interest will cease on the last day of the interest period next preceding the date of redemption. In case of partial redemption interest on the amount redeemed will cease on the last day of the interest period next preceding the date of partial redemption, and interest due thereafter will be paid only on the lower amount remaining after partial redemption.

(e) *Consolidation of checks.* Whenever possible a single check will be issued on each payment date for interest on all current income bonds of a single series due to any owner on that date.

(f) *Endorsement of checks.* Interest checks must be endorsed in accordance with the requirements of the Treasurer of the United States, by the payees, either personally or by an attorney in fact, or

in case of the death of the payee, by his executor or administrator. Forms for the appointment of such attorney may be obtained from the Treasurer of the United States or from any Federal Reserve Bank.

#### SUBPART H—GENERAL PAYMENT AND REDEMPTION PROVISIONS

§ 315.17 *Payment at maturity.* Pursuant to its terms, a savings bond of any series will be paid at or after maturity at its full face or maturity value, but only following presentation and surrender of the bond for that purpose with a request for payment properly signed and certified as herein provided.

§ 315.18 *Redemption before maturity.* Pursuant to its terms, a savings bond may not be called for redemption by the Secretary of the Treasury prior to maturity, but may be redeemed in whole or in part at the option of the owner, prior to maturity under the terms and conditions set forth in the offering circular of each series and in accordance with the provisions of these regulations, but only following presentation and surrender for that purpose with a request for payment duly signed and certified as provided herein.

(a) *Series A, B, C, D and E.* A bond of Series A, B, C, D or E will be redeemed in whole or in part at any time after 60 days from the issue date without advance notice, at the appropriate redemption value as shown on the face of the bond.

(b) *Series F and G.* A bond of Series F or G will be redeemed, in whole or in part, on one month's notice in writing, on the first day of any month not less than six months from the issue date, at the appropriate redemption value as shown on the face of the bond. The owner's option to redeem may be shown by a signed request for payment or by express written notice, and payment will be made as of the first day of the first month following by at least one full month the date of receipt of notice by the Treasury Department or a Federal Reserve Bank. For example, if the request or notice is received on June 15, the effective redemption date will be August 1. If express notice is given, the bond must be surrendered to the same agency to which the notice is given not less than fifteen days before the effective redemption date. (See § 315.16 (d) for provisions as to interest in case current income bonds are redeemed prior to maturity.)

(c) *Series G—Redemption at par before maturity.* Subject to the provisions of the preceding paragraph a bond of Series G (but not of Series F) will be redeemed at par before maturity, in whole or in part: (1) upon the death of the owner or a coowner if a natural person; or (2) if held by a trustee or other fiduciary upon the termination of the trust, in whole or in part, by reason of the death of any person. If the trust is terminated only in part, redemption at par will be made to the extent of not more than the pro rata

portion of the trust so terminated and only in amounts corresponding to authorized denominations. Proof of death must be furnished and notice of intention to redeem at par before maturity must be received by the Treasury Department or a Federal Reserve Bank within four months after the date of death. Payment will ordinarily be made on the first available date: *Provided, however,* That payment will be postponed until the next interest payment date, upon request of the persons presenting the bond.

§ 315.19 *Form and execution of requests for payment.* Requests for payment of savings bonds, unless otherwise authorized in a particular case, must be executed on the form appearing on the back of the bond to be surrendered and unless otherwise specifically requested payment will be made pursuant to a duly executed request on the earliest day consistent with these regulations.

(a) *Date of request.* Ordinarily requests executed more than six months before the date of receipt of a bond by a Federal Reserve Bank or the Treasury Department will not be accepted.

(b) *Identification and signature of owner.* The registered owner in whose name the bond is inscribed, or such other person as may be entitled to payment under the provisions of these regulations, must appear before one of the officers authorized to certify requests for payment (See § 315.20 hereof), establish his identity and in the presence of such officer sign the request for payment in ink, adding in the space provided the address to which the check issued in payment is to be mailed. A signature made by mark (X) must be witnessed by at least one person in addition to the certifying officer and must be attested by endorsement in the blank space substantially as follows: "Witness to the above signature by mark", followed by the signature and address of the witness. If the name of the registered owner or other person entitled to payment, as it appears in the registration or in evidence on file at the Treasury Department, Division of Loans and Currency, has been changed by marriage or in any other legal manner, the signature to the request for payment should show both names and the manner in which the change was made, for example, "Miss Mary T. Jones, now by marriage Mrs. Mary T. Smith", or "Jung Smelt, now by court order John Smith". In case of a change of name other than by marriage the request should be supported by satisfactory proof of such change, unless already on file. No request signed in behalf of the owner or person entitled to payment by an agent or a person acting under a power of attorney will be recognized by the Treasury Department except in those cases arising under Subpart R hereof.

(c) *Certification of request.* After the request for payment has been signed by the owner the certifying officer should complete and sign the certificate appearing at the end of the form for request

for payment, and the bond should then be presented and surrendered as provided in § 315.23 hereof.

§ 315.20 *Certifying officers.* The following officers are authorized to certify requests for payment:

(a) *At United States post offices.* Any postmaster, acting postmaster or inspector in charge, or other post office official or clerk heretofore or hereafter designated for the purpose. One or more of these officials will be found at every United States post office, classified branch or station. A post office official or clerk other than a postmaster, acting postmaster or inspector in charge, should certify in the name of the postmaster or acting postmaster, followed by his own signature and official title, for example, "John Doe, postmaster, by Richard Roe, postal cashier". Signatures of these officers should be authenticated by a legible imprint of the post office dating stamp.

(b) *Banks, trust companies and branches.* Any officer of any incorporated bank or trust company or branch thereof, domestic or foreign, including banks or trust companies incorporated in the United States or its organized territories, those doing business in the organized territories or insular possessions of the United States and the Commonwealth of the Philippines under Federal charter or organized under Federal law, Federal Reserve Banks, Federal Land Banks, and Federal Home Loan Banks; and Federal Reserve Agents and Assistant Federal Reserve Agents, located at the several Federal Reserve Banks. Certifications by any of these officers should be authenticated by either a legible impression of the corporate seal of the bank or trust company or, in the case of banks or trust companies and their branches which are authorized and duly qualified issuing agents for bonds of Series E, by a legible imprint of the issuing agent's dating stamp.

(c) *Issuing agents not banks or trust companies.* Any officers of corporations not banks or trust companies, and of all other organizations, which are duly qualified issuing agents for bonds of Series E. All certifications by such officers must be authenticated by a legible imprint of the issuing agent's dating stamp.

(d) *United States officials.* Judges, clerks and deputy clerks of United States courts, including United States courts for the organized territories, insular possessions and the Canal Zone; United States Commissioners; United States attorneys; United States collectors of Customs and their deputies; United States collectors of Internal Revenue and their deputies; commissioned officers of the United States Army, Navy, Marine Corps and Coast Guard, but only for members of their respective services, members of their families and civilian employees at Posts or Bases or Stations (such certifying officer should indicate his rank and state that the person signing the request is one of the class whose requests he is

authorized to certify); the officer in charge of any home, hospital or other facility of the Veterans' Administration, but only for patients and members of such facilities; certain officers of Federal penal institutions designated for that purpose by the Secretary of the Treasury and certain officers of the United States Public Health Service Hospitals at Lexington, Kentucky, and at Fort Worth, Texas, and of United States Marine Hospitals at Fort Stanton, New Mexico, and Carville, Louisiana, designated for that purpose by the Secretary of the Treasury (in each case, however, only for inmates or employees of the institution involved).

(e) *Officers authorized in particular localities.* Certain officers in the Treasury Department; the Governors and Treasurers of Hawaii, Puerto Rico and Alaska; the Governor and Commissioner of Finance of the Virgin Islands; the Governors and Administrative Naval and Marine officers of Guam and American Samoa; the Governor, paymaster or acting paymaster, and collector or acting collector of the Panama Canal; postmasters and acting postmasters in the Bureau of Posts of the Canal Zone; the United States High Commissioner to the Commonwealth of the Philippines, his Executive Assistant, and the Chief Clerk in his office, the Treasurer of the Commonwealth and the city treasurers of Manila and Baguio, and judges and clerks of courts of record of the Commonwealth whose signatures and official positions are certified by the Secretary of Justice.

(f) *In foreign countries.* In a foreign country requests for payment may be signed in the presence of and be certified by any United States diplomatic or consular representative, or manager or other officer of a foreign branch of a bank or trust company incorporated in the United States, whose signature is attested by an impression of the corporate seal or is certified to the Treasury Department. If such an officer is not available, requests for payment may be signed in the presence of and be certified by a notary or other officer authorized to administer oaths, but his official character and jurisdiction must be certified by a United States diplomatic or consular officer under seal of his office.

(g) *Special provision.* In the event none of the officers authorized to certify requests for payment of savings bonds is readily accessible, the Commissioner of the Public Debt is authorized to make special provision for any particular case.

§ 315.21 *General instructions to certifying officers.* Certifying officers should require positive identification of the person signing requests for payment and will be held fully responsible therefor. In all cases a certifying officer must affix to the certification his official signature, title, address and seal, or dating stamp, and the date of execution. Officers of Veterans Facilities, Public Health Service Hospitals, Marine Hospitals and Federal penal institutions, should use the seal of the particular institution or service, where such seal is available. If a certifying officer other than a post office

official, officer of a bank or trust company or officer of an issuing agent, does not possess an official seal, that fact should be made known and attested.

§ 315.22 *Interested person not to certify.* No person authorized to certify requests for payment may certify a request for payment of a bond of which he is the owner, or in which he has an interest, either in his own right or in any representative capacity.

§ 315.23 *Presentation and surrender.* After the request for payment has been duly signed by the owner and certified as above provided, the bond should be presented and surrendered, if a bond of Series F or G, to a Federal Reserve Bank or Branch or to the Division of Loans and Currency, Merchandise Mart, Chicago, Illinois, or, if a bond of any other series, to a Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington, D. C. Usually payment will be expedited by surrender to a Federal Reserve Bank. In all cases presentation will be at the expense and risk of the owner, and, for his protection, the bond should be forwarded by registered mail if not presented in person. Payment will be made by check drawn to the order of the registered owner or other person entitled and mailed to him at the address given in his request for payment.

§ 315.24 *Partial redemption.* A savings bond of any series in a denomination other than the lowest authorized for that series may be redeemed in part at current redemption value, but only in amounts corresponding to authorized denominations, upon presentation and surrender of the bond in accordance with this sub-part. In any such case, before the request for payment is signed, there should be added to the first sentence of the request the words "to the extent of \$----- (maturity value), and reissue of the remainder". Upon partial redemption of a savings bond the remainder will be reissued as of the original issue date as provided in Subpart S hereof. For payment of interest on bonds of Series G in case of partial redemption see Subpart G hereof.

#### SUBPART I—MINORS AND PERSONS UNDER OTHER LEGAL DISABILITY

§ 315.25 *Payment to legal guardians.* If the Treasury Department, Division of Loans and Currency, has been properly notified, by the form of registration or otherwise, that the owner of a savings bond is a minor or a person judicially declared incompetent to manage his estate and that a guardian or similar legal representative has been appointed for the estate of such minor or incompetent by a court having jurisdiction or is otherwise legally qualified, payment will be made only to such guardian or similar legal representative. In such case the request for payment appearing on the back of the bond should be signed by the guardian or other legal representative as such, for example, "John A. Jones, guardian (committee) of the estate of Henry W. Smith, a minor (an incompetent)". Unless the form of registration gives the

name of the representative, there must be submitted in support of the request a certificate or a certified copy of the letters of appointment from the court making the appointment under the seal of the court, establishing that the appointment is in full force. Such certificate or certification (except in the case of corporate fiduciaries) should be dated not more than six months prior to the date of presentation of the bond for payment. See Subpart M hereof for payment provisions applicable to bonds registered in the names of guardians and similar fiduciaries.

§ 315.26 *Payment to minors.* If the Treasury Department, Division of Loans and Currency, has not received proper notice that a guardian or similar representative of the estate of a minor has been appointed or is otherwise duly qualified, payment will be made direct to such minor, provided he is, at the time payment is requested, of sufficient competency and understanding to sign his name to the request and to comprehend the nature of such act. In general the fact that the request for payment has been signed by a minor and duly certified in accordance with Subpart H hereof will be accepted as sufficient proof of such competency and understanding.

§ 315.27 *Payment to parents of minors.* If the Treasury Department has not been properly notified that a guardian or similar legal representative of the estate of a minor owner of a savings bond has been appointed or is otherwise legally qualified, and if such minor owner is not of sufficient competency and understanding to execute the request for payment, payment will be made to either parent of the minor with whom he resides, or if the minor does not reside with either parent, then to the person who furnishes his chief support. The parent or such other person should sign the request for payment in his own name, on behalf of the minor, in the form "Mrs. Mary Jones, on behalf of John C. Jones", and should sign a certificate, in substantially the following form, which may be typed on the back of the bond:

I certify that I am the ----- (relationship) of John C. Jones and the person with whom he resides. He is ----- years of age and is not of sufficient competency and understanding to sign this request.

If a person other than a parent signs the request on behalf of the minor he should also certify that the minor does not reside with either parent and that he furnishes his chief support. The Treasury Department may in any particular case require further proof that the minor is not of sufficient competency and understanding to execute the request for payment and of the right of the person executing the request to act on behalf of the minor.

§ 315.28 *Payment to voluntary guardian of person under disability.* In any case where the adult owner of a bond has been judicially declared incompetent or such incompetency, in the opinion of the Secretary of the Treasury, is otherwise established, and no duly

qualified legal representative of his estate is acting, and the entire gross value of his personal estate does not exceed \$500, payment will be made to a member of his family or other person acting as voluntary guardian, upon presentation of proof satisfactory to the Secretary of the Treasury that the proceeds of the bond are necessary for the purchase of necessities for the incompetent or for his wife or minor children or other persons dependent upon him for support. Applications for such payment should be made only on appropriate forms, which may be obtained from the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago, Illinois, or any Federal Reserve Bank. The request for payment should not be executed, nor the bond presented, until the application has been approved and instructions have been given by the Treasury Department.

#### SUBPART J—SINGLE NAME; ADDITION OF COOWNER, ETC

**§ 315.29 Reissue for certain purposes.** A savings bond of any series registered in the name of one person in his own right, or to which one person is shown to be entitled in his own right under these regulations, may be reissued upon appropriate request for the following purposes:

(a) *Addition of coowner.* Reissue in the name of the owner with that of another natural person as coowner, provided that bonds reissued in accordance with this paragraph will be considered for the purposes of computation of holdings under Subpart D of these regulations as originally issued in both names and no reissue will be effective which results in any one person holding bonds in excess of the established limitation for the series to which the bonds belong. Requests for reissue under this paragraph should be made on Form PD 1762.

(b) *Addition of a beneficiary.* Reissue in the name of the owner with the name of another natural person as designated beneficiary. Applications for reissue under the provisions of this paragraph should be made on Form PD 1077.

**§ 315.30 Reissue upon request of a minor.** Reissues under the provisions of this Subpart will be made upon request of owners, notwithstanding the fact that they are minors, provided they are of sufficient competency and understanding, and are under no legal disability other than minority.

**§ 315.31 Reissue only at Federal Reserve Banks and Treasury.** Reissues in accordance with the provisions of this Subpart may be made only at Federal Reserve Banks or at the Treasury Department. A coowner may be added only by reissue of the bond. Federal Reserve Banks, however, may, in appropriate cases, add the name of a beneficiary to bonds already outstanding without reissue, providing such addition is properly certified by the Federal Reserve Bank.

#### SUBPART K—TWO NAMES; COOWNERSHIP FORM

**§ 315.32 Payment or reissue.** A savings bond registered in the names of two

persons as coowners in the form "John A. Jones or Mrs. Mary C. Jones", will be paid or reissued as follows:

(a) *During the lives of both coowners.* During the lives of both coowners the bond will be paid to either coowner upon his separate request without requiring the signature of the other coowner; and upon payment to either coowner the other person shall cease to have any interest in the bond. The bond will also be paid to both coowners upon their joint request, in which case payment will be made by check drawn to the order of both coowners in the form, for example, "John A. Jones and Mrs. Mary C. Jones", and the check must be endorsed by both payees. The bond will not be reissued in any form during the lives of both coowners except as specifically provided in these regulations.

(b) *After the death of one coowner.* If either coowner dies without having presented and surrendered the bond for payment to a Federal Reserve Bank or the Treasury Department, the surviving coowner will be recognized as the sole and absolute owner of the bond, and payment will be made only to him: *Provided, however,* That if a coowner dies after he has properly executed the request for payment and after the bond has actually been received by a Federal Reserve Bank or the Treasury Department, payment of the bond, or check if one has been issued, will be made to his estate (See Subpart P hereof). Upon proof of the death of one coowner and appropriate request by the surviving coowner the bond will be reissued in the name of such survivor alone, or in his name with another individual as coowner, or in his name payable on death to a designated beneficiary.

(c) *On death of both coowners in common disaster.* If both coowners die in a common disaster under such conditions that it cannot be established, either by presumption of law or otherwise, which coowner died first, the bond will be considered as belonging to the estates of both coowners.

(d) *After the death of a surviving coowner.* If a surviving coowner who became solely entitled to the bond under the provisions of paragraph (b) of this section dies without having submitted the bond for payment or reissue, the bond will be paid or reissued as though it were registered in the name of such last deceased coowner alone. In this case proof of the death of both coowners and of the order in which they died will be required.

**§ 315.33 Place of reissue.** Reissues authorized in this Subpart will be made in accordance with the provisions of Subpart S hereof, but only at a Federal Reserve Bank or the Treasury Department, and applications for such reissues should be made on forms provided for that purpose.

#### SUBPART L—TWO NAMES; BENEFICIARY FORM

**§ 315.34 Payment to registered owner.** A bond registered in the name of one person payable on death to another, for example, "Henry W. Ash, payable on death to John C. Black", will be paid to the registered owner during his lifetime upon his

properly executed request as though no beneficiary had been named in the registration.

**§ 315.35 Reissue during the lifetime of registered owner.** A bond registered in the name of one person payable on death to another may not be reissued during the latter's lifetime to eliminate his name, but may be reissued on request of the registered owner on Form PD 1762, to name the beneficiary as coowner, subject to the same restrictions and conditions contained in § 315.29 (a). If the beneficiary should predecease the registered owner, upon proof of such death and upon request of the registered owner, the bond may be reissued in his name alone, or in his name with another individual as coowner, or in his name payable on death to a designated beneficiary.

**§ 315.36 Payment or reissue to beneficiary.** If the registered owner dies without having presented and surrendered the bond for payment or authorized reissue to a Federal Reserve Bank or the Treasury Department, and is survived by the beneficiary, upon proof of such death and survivorship, the beneficiary will be recognized as the sole and absolute owner of the bond, and it will be paid only to him, or may be reissued in his name alone, or otherwise reissued in accordance with Subpart J as though it were registered in his name alone: *Provided, however,* That if the bond with a properly executed request by the registered owner for payment or authorized reissue has actually been received by a Federal Reserve Bank or the Treasury Department, payment of the bond, or check, if one has been issued, will be made to the estate of the deceased owner in accordance with § 315.49.

**§ 315.37 Payment or reissue after death of the surviving beneficiary.** After the death of a surviving beneficiary who became entitled under the provisions of this Subpart, the bond will be paid or reissued in accordance with Subpart J as though it were registered in the name of the surviving beneficiary alone. In this case proof of the death of both the registered owner and the beneficiary and of the order in which they died will be required.

**§ 315.38 Conditions of reissue.** Reissue under this Subpart will be made in accordance with Subpart S hereof, but only at a Federal Reserve Bank or the Treasury Department and applications for such reissue should be made on forms provided for that purpose.

#### SUBPART M—FIDUCIARIES

**§ 315.39 Payment to fiduciaries.** A savings bond registered in the name of, or otherwise belonging to, a fiduciary estate, will be paid to the fiduciaries of such estate upon their request. The request for payment must be signed by all acting fiduciaries, except for payment at maturity, when a request by any one or more acting fiduciaries will be accepted, but payment will be made to all. If the bond is registered in the names of individual fiduciaries of the estate who are still acting, no further evidence of authority will be required. In other cases the request for payment must be supported by evidence as specified below:

(a) *Fiduciaries, by title only.* If the bond is registered in the titles without the names of the fiduciaries, satisfactory proof of the incumbency of the fiduciaries must be furnished, except in the case of public officers.

(b) *Succeeding fiduciaries.* If the fiduciaries in whose names the bonds were registered have been succeeded by other fiduciaries, satisfactory proof of successorship must be furnished.

(c) *Boards, committees, etc., as fiduciaries.* If the fiduciaries consist of a board, committee, commission, or public body, or are otherwise empowered to act as a unit, a request for payment before maturity must be supported by a duly certified copy of a resolution of the board or other body authorizing such action, except that in the case of a public board or commission a request signed in its name by a duly authorized officer thereof will ordinarily be accepted without further proof of the officer's authority. In any case the request must be signed in the name of the board or other body by an authorized officer or agent thereof.

(d) *Corporate fiduciaries.* If a public or private corporation or a political body, such as a State or county, is acting as a fiduciary, a request for payment must be signed in the name of the corporation or other body, in the fiduciary capacity in which it is acting, by an authorized officer thereof.

(e) *Registration not disclosing trust.* If the form in which the bond is registered does not show that it belongs to a fiduciary estate or does not identify the estate to which it belongs, satisfactory proof of ownership must be furnished.

§ 315.40 *Reissue in the name of a succeeding fiduciary.* If a person in whose name a savings bond is registered as a fiduciary has been succeeded as such fiduciary by another person, the bond will be reissued in the name of the succeeding fiduciary upon appropriate request and satisfactory proof of successorship.

§ 315.41 *Reissue in the name of, or payment to, the person entitled—(a) Distribution of trust estate in kind.* A savings bond to which a beneficiary of a trust has become lawfully entitled, in whole or in part, under the terms of the trust, will be reissued in his name to the extent of his interest, as a distribution in kind, upon the request of the trustee or trustees and their certification that such person is entitled and has agreed to reissue in his name: *Provided*, That if a trustee himself is so entitled in his own right, his request for reissue in his name must be supported by an order of court or other satisfactory proof that he is so entitled, unless a co-fiduciary joins in the request: *Provided, further*, That if the form in which the bond is registered does not show that it belongs to a trust estate, the request for reissue must be supported by satisfactory proof of ownership.

(b) *After termination of trust estate.* If the person who would be lawfully entitled to a savings bond upon the termination of a trust does not desire to have such distribution to him in kind, as pro-

vided in the next preceding paragraph, the trustee or trustees should redeem the bond in accordance with the provisions of § 315.39 hereof before the estate is terminated. If, however, the estate is terminated without such payment or reissue having been made, the bond will thereafter be paid to or reissued in the name of the person lawfully entitled upon his request and satisfactory proof of ownership, supplemented, if there are two or more persons having any apparent interest in the bond, by an agreement executed by all such persons.

(c) *Upon termination of guardianship estate.* A savings bond registered in the name of a guardian or similar legal representative of the estate of a minor or incompetent, if the estate is terminated during the ward's lifetime, will be reissued in the name of the former ward upon the representative's request and certification that the former ward is entitled and has agreed to reissue in his name, or will be paid to or reissued in the name of the former ward upon his own request, supported in either case by satisfactory proof that his disability has been removed. Certification by the representative that a former minor has attained his majority, or that the legal disability of a female ward has been removed by marriage, if the State law so provides, will ordinarily be accepted as sufficient, but if the disability is removed by court order a duly certified copy of the order will be necessary. Upon the death of the ward a bond registered in the name of his guardian or similar representative will be reissued in accordance with the provisions of Subpart P as though it were registered in the name of the ward alone.

§ 315.42 *Bonds held by trustee where reissue not authorized.* Savings bonds which by their terms or under the regulations in force at the time of their issue may not be registered in the name of a fiduciary may be held without change of registration by a trustee or other fiduciary under the will of a deceased owner of the bonds, but will not be reissued in the name of the fiduciary. Upon proof of the appointment and authority of the fiduciary bonds so held will be paid to the fiduciary or upon termination of the trust will be reissued in the names of the persons entitled in their own right in accordance with the provisions of this Subpart.

#### SUBPART N—PRIVATE CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS, ETC.

§ 315.43 *Payment to corporations or unincorporated associations.* A savings bond registered in the name of a private corporation or an unincorporated association will be paid to such corporation or unincorporated association upon request for payment on its behalf by a duly authorized officer thereof. The signature to the request should be in the form, for example, "The Jones Coal Company, a corporation, by William A. Smith, president", or "The Lotus Club, an unincorporated association, by John

Jones, treasurer". A request for payment so signed and duly certified will ordinarily be accepted without further proof of the officer's authority.

§ 315.44 *Payment to partnerships.* A savings bond registered in the name of a partnership will be paid upon a request for payment signed by a general partner. The signature to the request should be in the form "Smith and Jones, a partnership, by John Jones, a general partner". A request for payment so signed and duly certified will ordinarily be accepted as sufficient proof that the person signing the request is duly authorized.

§ 315.45 *Reissue or payment to successors of corporations, unincorporated associations or partnerships.* A savings bond registered in the name of a private corporation, an unincorporated association or partnership, which has been succeeded by another corporation, unincorporated association or partnership as the result of merger, consolidation, reincorporation, conversion, reorganization, or otherwise by operation of law or in any manner whereby the ownership of the succeeding organization is substantially identical with that of its predecessor, will be paid to, or reissued in the name of, the succeeding corporation, unincorporated association or partnership upon appropriate request on its behalf supported by satisfactory proof of lawful successorship.

§ 315.46 *Reissue or payment on dissolution—(a) Corporations.* A savings bond registered in the name of a private corporation which is in process of dissolution will be paid to the authorized representative of the corporation upon a duly executed request for payment supported by satisfactory evidence of the representative's authority. Upon the termination of dissolution proceedings such bonds may be reissued in the names of those persons, other than the creditors, entitled to the assets of the corporation to the extent of their respective interests upon the duly executed request of the authorized representative of the corporation and upon proof of compliance with all statutory provisions governing the voluntary dissolution of such corporation, and that the persons in whose names reissue is requested are entitled and have agreed to such reissue: *Provided*, That if the dissolution proceedings are had under the direction of a court, proof of the authority of the representative and of the persons entitled to distribution must consist of certified copies of orders of the court.

(b) *Partnerships.* A savings bond registered in the name of a partnership which has been dissolved by death or withdrawal of a partner, or in any other manner, will be paid to or reissued in the names of the persons entitled thereto as the result of such dissolution to the extent of their respective interests, upon their request supported by satisfactory evidence of their title, including proof that the debts of the partnership have been paid or properly provided for.

**SUBPART O—STATES, PUBLIC CORPORATIONS, AND PUBLIC BOARDS, COMMISSIONS AND OFFICERS**

§ 315.47 *In names of States, public corporations, and public boards.* A savings bond registered in the name of a State or of a county, city, town, village or other public corporation, or in the name of a public board or commission, will be paid upon a request signed in the name of such State, corporation, board or commission by a duly authorized officer thereof. A request for payment so signed and duly certified will ordinarily be accepted without further proof of the officer's authority.

§ 315.48 *In names of public officers.* A savings bond registered in the title, without the name, of an officer of a State or public corporation, such as a county, city, town or village, will be paid upon request for payment signed by the designated officer. The fact that the request for payment is signed and duly certified will ordinarily be accepted as sufficient proof that the person signing is the incumbent of the designated office.

**SUBPART P—DECEASED OWNERS**

§ 315.49 *Payment or reissue on death of owner.* Upon the death of the owner of a savings bond, who was not survived by a coowner or designated beneficiary and who had not during his lifetime presented and surrendered the bond to a Federal Reserve Bank or the Treasury Department with a duly executed and proper request for an authorized reissue, the bond will be paid or reissued as hereinafter provided. The provisions of this section shall also apply to savings bonds registered in the names of executors or administrators except that proof of their appointment and qualification may not be required. Established forms for use in such cases and for requests for payment or reissue may be obtained from any Federal Reserve Bank or from the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago, Illinois, and should be used in every instance.

(a) *In course of administration.* If the estate of the decedent is being administered in a court of competent jurisdiction, the bond will be paid to the duly qualified representative of the estate or will be reissued in the names of the persons entitled to share in the estate upon the request of the duly appointed and qualified representative of the estate who should certify that the persons named are entitled to the extent specified for each and have consented to such reissue. The request for payment or reissue should be signed in the form, for example, "John A. Jones, administrator of the estate (or executor of the will) of Henry W. Jones, deceased". Reissue will be made to the persons entitled in their names alone, or with a coowner (provided no excess holdings will be created) or beneficiary upon appropriate request by such persons. A request for payment or reissue must be supported by proof of the representative's authority. Such proof may consist of a court certificate or a certified copy of the representa-

tive's letters of appointment issued by the court having jurisdiction; the certificate, or the certification to the letters, must be under the seal of the court, must contain a statement that the appointment is in full force, and should be dated within six months of the date of presentation of the bond for payment or reissue. If the representative is himself the person entitled and desires reissue in his own name, the request for reissue must be supported by an order of court, unless a co-administrator or co-executor joins in the request.

(b) *After settlement through court proceedings.* If the estate of the decedent has been settled in a court of competent jurisdiction, the bond will be paid to, or reissued in the name of, the persons entitled thereto as determined by the court: *Provided*, That if there are two or more persons having an apparent interest in the bond, an agreement should be executed by them. The request for payment or reissue, and the agreement, if necessary, must be supported by duly certified copies of the pertinent court records.

(c) *Without administration.* If no legal representative of the decedent's estate has been or is to be appointed, and if it is established to the satisfaction of the Secretary of the Treasury either that the gross value of the personal estate does not exceed \$500, or that administration of the estate is not required in the State of the decedent's last domicile, the bond will be paid to, or reissued in the name of, the persons entitled to share in the estate, without requiring administration, pursuant to an agreement and request by them on the form prescribed by the Treasury Department and supported by the evidence called for by that form: *Provided, however*, That reissue will not be made in the name of a creditor of the estate. No payment or reissue will be permitted without administration if any of the persons entitled are minors or incompetents, except to them or in their names, in whole or to the extent of their interests in the decedent's entire personal estate, or upon compliance with the provisions of Subpart I hereof governing payment of savings bonds registered in the names of such persons.

§ 315.50 *Forms of registration on reissue.* In no case will bonds be reissued hereunder except in a form authorized upon original issue by the regulations in force at the time bonds surrendered were issued.

**SUBPART Q—CREDITORS' RIGHTS AND JUDICIAL PROCEEDINGS**

§ 315.51 *Creditors' rights.* A creditor of the owner of a savings bond may secure payment thereof to the extent of the owner's interest, or to the extent of the creditor's claim, whichever is smaller, through valid judicial proceedings: *Provided, however*, That no such proceedings will be recognized if they would give effect to an attempted voluntary transfer inter vivos of the bond or would defeat or impair the rights of survivorship conferred by these regula-

tions upon coowners and beneficiaries. Payment, or partial payment in an amount not in excess of that to which the creditor is entitled will be made upon presentation and surrender of the bond with the request for payment duly executed, at the redemption value current 30 days after the proceedings have become final, or current at the time the bond is presented for payment, whichever is earlier. No reissue of the bond will be made to the creditor under the provisions of this section.

§ 315.52 *Determination of interest as between owner and coowner or beneficiary.* Conflicting claims as to ownership of or interest in a savings bond, as between the registered owner and the coowner, or the registered owner and a designated beneficiary may be determined by valid judicial proceedings, in which case the bond may be reissued in the names of the respective coowners or the owner and the beneficiary to the extent of their respective interests as determined by such proceedings, but only in authorized denominations.

§ 315.53 *Evidence necessary.* To establish the validity of judicial proceedings there must be submitted a certified copy of the judgment or decree of court and of any necessary supplementary proceedings, as well as a certificate from the clerk of the court under the court seal, showing that the judgment or decree is in full force and effect and has become final under the laws of the jurisdiction. The Secretary of the Treasury may in any case require such further information, documents and security as he may deem necessary.

§ 315.54 *Bankruptcy and insolvency.* Payment (but not reissue) of a savings bond will be made to a duly qualified trustee in bankruptcy or receiver of the estate of the registered owner, adjudicated bankrupt or insolvent, upon request for payment duly executed by such trustee or receiver and supported by satisfactory proof of his appointment and qualifications.

**SUBPART R—PLEDGE WITH SECRETARY OF TREASURY OR FEDERAL RESERVE BANKS**

§ 315.55 *Deposit under Department Circulars No. 154 and No. 657.* Notwithstanding any other provisions of this or any other circular, a savings bond may be pledged by the registered owner in lieu of surety under the provisions of Department Circular No. 154, amended: *Provided*, That the bond approving officer is the Secretary of the Treasury. In such cases an irrevocable power of attorney shall be executed authorizing the Secretary to request payment, and payment of the bond will, if it becomes necessary, be made upon such request at the then appropriate redemption value. No pledge to a bond approving officer other than the Secretary of the Treasury will be permitted. A savings bond may also be deposited as security with a Federal Reserve Bank under the provisions of Department Circular No. 657 by an institution certified under that circular as an issuing agent for savings bonds of Series E. In no other cases are

savings bonds suitable for use as collateral, nor will a power of attorney to request payment be recognized in any other case.

#### SUBPART S—REISSUE AND DENOMINATIONAL EXCHANGE

§ 315.56 *General.* Reissue of savings bonds in different names or in a different form of registration will be made only in the following instances and only in denominations and forms of registration authorized for the bonds surrendered:

(a) To correct an error in the original issue, upon request of the owner or co-owner, supported by satisfactory proof of such error unless the error was made by the issuing agent;

(b) To show a change in the name of an owner, coowner or beneficiary upon his request, supported by satisfactory proof of the change if for any other reason than marriage;

(c) As otherwise specifically provided in these regulations.

§ 315.57 *Requests for reissue.* Requests for reissue should be signed by the person authorized under these regulations to make such requests, on appropriate forms which may be obtained from any Federal Reserve Bank or from the Treasury Department, Division of Loans and Currency. If the request is by reason of a change of name the signature should show both names, and the manner in which the change took place. A request for reissue must be signed in the presence of and be certified by an officer authorized under Subpart H hereof to certify requests for payment. A request may not be signed by a person under any legal disability other than minority. It may be signed by a minor who is of sufficient competency and understanding to sign his name to the request and to comprehend the nature of such act. In general the fact that a request for reissue has been signed by a minor and duly certified will be accepted as sufficient proof of such competency and understanding.

§ 315.58 *Agencies authorized to make reissue.* Reissues under (b) and (c) hereof may be made only at a Federal Reserve Bank or the Treasury Department.

§ 315.59 *Date of bonds on reissue.* The new bonds will be of the same series, will bear the same issue date, and will have the same rights and privileges as the bonds surrendered.

§ 315.60 *Effective date.* In any case of authorized reissue the Treasury Department reserves the right to treat the receipt by a Federal Reserve Bank or the Treasury Department of a bond and appropriate request for reissue thereof as determining the date upon which reissue is effective.

§ 315.61 *Denominational exchange.* Exchange as between authorized denominations will not be permitted except in cases of partial redemption or authorized reissue.

#### SUBPART T—FURTHER PROVISIONS

§ 315.62 *Regulations prescribed.* These regulations are prescribed by the

Secretary of the Treasury as governing United States Savings Bonds issued under the authority of section 22 of the Second Liberty Bond Act, as amended, and pursuant to the various Department Circulars offering such bonds for sale. The provisions of Treasury Department Circular No. 300, as amended, have no application to such savings bonds except as to cases arising under Subpart E hereof.

§ 315.63 *Preservation of rights.* Nothing in these regulations contained shall be construed to limit or restrict any existing rights which holders of savings bonds heretofore issued may have acquired under the circulars offering such bonds for sale, or under the regulations in force at the time of purchase.

§ 315.64 *Additional proof; bond of indemnity.* The Secretary of the Treasury, in any case arising under these regulations, may require such additional proof as he may consider necessary or advisable in the premises; and may require a bond of indemnity with satisfactory sureties, or an agreement of indemnity, in any case where he may consider such a bond or agreement necessary for the protection of the interests of the United States.

§ 315.65 *Correspondence and forms.* Correspondence in regard to any transactions in United States Savings Bonds under the provisions of these regulations should be addressed to a Federal Reserve Bank or to the Treasury Department, Division of Loans and Currency, Merchandise Mart, Chicago, Illinois. Appropriate forms for use in connection with such transactions may be secured from any Federal Reserve Bank or from the Division of Loans and Currency.

§ 315.66 *Supplements, amendments or revisions.* The Secretary of the Treasury may at any time, or from time to time, prescribe additional, supplemental, amendatory or revised rules and regulations governing United States Savings Bonds.

[SEAL] H. MORGENTHAU, Jr.,  
Secretary of the Treasury.

[F. R. Doc. 42-6393; Filed, July 6, 1942;  
2:26 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

#### Subchapter B—Division of Industry Operations

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-67]

#### BURCH CORPORATION

The Burch Corporation, Crestline, Ohio, is a foundry making castings from pig iron for jobbing or for its own use. The Company applied for an allocation of pig iron for the month of October, 1941, on Form PD-69, certifying that it had orders bearing A-2 preference ratings to be delivered during that month which required the use of 90 gross tons of pig iron. On the basis of this representation, the Company was allocated that amount of pig iron. However, dur-

ing the month of October, the Company used only a small amount of pig iron to fill orders bearing a preference rating of A-2 or higher and only 22 tons to fill orders bearing a preference rating of A-10 or higher. The balance of the pig iron allocated to the Company was used to fill orders bearing a B rating or no rating.

The Burch Corporation also requested an allocation of pig iron for the month of February, 1942, on Form PD-69, certifying that it had orders bearing a preference rating of A-10 or higher which required the use of 120 gross tons of pig iron during that month. On the basis of its representation, it was allocated 120 gross tons of pig iron. However, during the month of February, the Company used only 21.18 gross tons of pig iron to fill orders bearing a preference rating of A-10 or higher and 76.04 gross tons to fill orders extended B rating or no ratings.

The Company's misrepresentations as to its rated orders and its use of pig iron for purposes other than those for which the pig iron was allocated to it constituted violations of Priorities Regulation No. 1 and General Preference Order M-17 and have resulted in the diversion of pig iron to uses unauthorized by the War Production Board. In view of the foregoing facts,

It is hereby ordered, That:

§ 1010.67 *Suspension Order S-67.* (a) The Burch Corporation of Crestline, Ohio, its successors and assigns, shall not process, melt or otherwise use any pig iron except to fill orders bearing a preference rating higher than A-2 except as specifically authorized by the Director of Industry Operations.

(b) Nothing contained in this order shall be deemed to relieve The Burch Corporation from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect July 9, 1942, and shall expire on October 9, 1942, at which time the restrictions contained in this order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-6394; Filed, July 6, 1942;  
3:22 p. m.]

#### PART 921—ALUMINUM

[General Preference Order M-1-h]

#### BAUXITE AND ALUMINA

Whereas, it is found that the increasing national war requirements, including the need for adequate reserves occasioned by the uncertainty of future shipments from abroad have created a shortage in

the supply of bauxite and of alumina (as hereinafter defined) for war, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 921.10 *General Preference Order M-1-h*—(a) *Definitions*. For the purposes of this order:

(1) "Bauxite" means a rock consisting of a mixture of several minerals in which the aluminum is present largely as hydrated oxides.

(2) "Restricted bauxite" means bauxite ores, concentrates, or tailings containing less than 15 per cent silica (as analyzed by tri-acid method on a dried basis at 110° C.), including all processed forms of bauxite, such as dried, calcined, sintered, or activated ore.

(3) "Alumina" means any aluminum oxide or any hydrate of aluminum.

(4) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(5) "Producer" means any person who mines or otherwise produces bauxite or who manufactures alumina.

(6) "Processor" means any person who mines or otherwise produces, concentrates, dries, activates, calcines, sinters, or otherwise processes bauxite or alumina.

(7) "Dealer" means any person regularly engaged in the business of buying, and selling bauxite or alumina for his own account or for the account of others, without changing its form.

(b) *Limitation on use of "restricted bauxite" and "alumina"*. No person shall accept delivery of, use or consume any "restricted bauxite" or "alumina" except as specifically authorized by the Director of Industry Operations.

(c) *Limitation on delivery of "restricted bauxite" and "alumina"*. No supplier including any producer, processor, or dealer shall deliver any "restricted bauxite" or "alumina" unless the person to receive such material shall have been authorized by the Director of Industry Operations to accept such delivery.

(d) *Application for authorization to receive, use or consume "restricted bauxite" and "alumina"*. Any person who wishes to be authorized to accept a delivery of, use or consume "restricted bauxite" or "alumina" may request such authorization by filing Form PD-567 (for bauxite) or Form PD-568 (for alumina) with the Aluminum and Magnesium Branch, War Production Board, Washington, D. C. Approval upon such form by the Director of Industry Operations shall constitute authorization for shipment of "restricted bauxite" or "alumina" by the supplier and for the receipt, consumption and use of such "restricted bauxite" or "alumina" by the applicant. The supplier, upon completing delivery of the material covered by the authorization, shall indicate upon a

copy of such authorization the shipments made, and return such copy to the Aluminum and Magnesium Branch, War Production Board.

(e) *Limited exemption for uses of "restricted bauxite" and "alumina" in manufacture specifically authorized*. Notwithstanding the provisions of (b) above, any person having "restricted bauxite" or "alumina" on hand may continue to use or consume such material until September 1, 1942: *Provided, however*, That the quantity used or consumed by any such person during the period from July 1, 1942 to August 31, 1942, inclusive, shall not exceed one-third of the quantity so used or consumed by that person during the last six months of 1941.

(f) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(g) *Violations*. Any person who willfully violates any provision of this order or who willfully furnishes false information to the Director of Industry Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(h) *Effective date*. This order shall take effect August 1, 1942, and shall continue in effect until revoked by the Director of Industry Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of July, 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-6443; Filed, July 7, 1942; 11:23 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 13]

#### SPECIAL SALES OF IDLE OR FROZEN MATERIALS

§ 944.34 *Priorities Regulation 13*—(a) *Purpose*. The purpose of this regulation is to provide uniform rules governing special sales of idle or excess materials by persons who are not regularly engaged in the business of selling such materials, including distress and liquidation sales and sales by persons who, by reason of the effect of priority orders or for other reasons, cannot use such materials in the regular course of their business. This regulation does not authorize receipt or use of any material by any person in violation of any inventory, quota or use re-

strictions imposed by any order or regulation.

(b) *Definitions*. For the purposes of this regulation:

(1) "Sale" of a material includes any public or private sale, auction sale, sale upon foreclosure of any lien or mortgage, or delivery of such material in exchange for money or for any other material and the sale of any warehouse receipt, bill of lading or other document evidencing an interest in such material, but does not include the pledge or mortgage or other creation of any lien upon such material or the transfer of possession of such material without any transfer of title.

(2) "Special sale" means any sale except:

(i) A sale of any material in a form regularly sold by the seller in the course of his business; and

(ii) A sale of any tool, machinery, or other assembled commercial, industrial, production, agricultural, or household equipment; and

(iii) A sale of material in the form in which it is used by ultimate consumers thereof without being further processed or assembled with other materials or made a part of any building or structure; and

(iv) A sale of foodstuffs, medicines and other materials for internal human consumption.

"Special sale" also includes any sale made or caused to be made by any receiver, trustee in bankruptcy, public official or any other person acting in a fiduciary or representative capacity, and not in the course of carrying on the business of an insolvent or bankrupt person or other person whose business is in the hands of such fiduciary or representatives.

(3) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(4) "War material" means any material consisting in whole or in substantial part of one or more materials listed in Schedule "A" attached.

(5) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(6) "Producer" means any person who produces, manufactures, fabricates, processes, constructs or assembles any material and includes any person furnishing electric, gas, water, sanitation, steam, transportation, communication or other utility services to the public.

(7) "Director" means the Director of Industry Operations of the War Production Board or the Director of Priorities of the Office of Production Management.

(c) *Permitted special sales*. (1) Subject to paragraph (d) of this regulation, any person may make a special sale of any material other than a war material without restriction.

(2) Subject to paragraph (d) of this regulation, any person may make a special sale of any war material if the sale falls within one of the following cate-

gories, and no person may make any special sale of any war material if such sale does not fall within one of the following categories:

(i) A sale to any of the following governmental departments or agencies or to any person buying for the account of such departments or agencies: Maritime Commission, Navy Department, War Department, Board of Economic Warfare, Commodity Credit Corporation, Defense Supplies Corporation, Metals Reserve Company, Rubber Reserve Company and any other corporation organized under Section 5 (d) of the Reconstruction Finance Corporation Act as amended; or

(ii) A sale pursuant to a specific authorization of the Director naming the seller and identifying the particular sale to be made; or

(iii) A sale by a producer to another producer engaged in the same business as the seller, but only if an order of the Director applicable generally to persons engaged in such business expressly permits such a sale; or

(iv) A sale of an individual lot of war material at an aggregate price of less than \$100: *Provided*, That this exception shall not be construed to permit the dividing of holdings of war material into lots having a value of less than \$100 and disposing of such lots under this subparagraph (2) (iv); or

(v) A sale to any person falling within a class indicated on Schedule "A" at-

tached as being a class to whom the particular war material may be sold: *Provided*, That when any alloy, compound, mixture, or product is not listed as such on Schedule "A" and contains a significant amount of more than one war material, the sale shall be made only to a person to whom all such contained war materials may be sold.

(d) *Effect on other orders and regulations.* (1) Any sale which is not a special sale shall remain subject to the provisions of all applicable orders and regulations.

(2) The provisions of this regulation shall control all special sales although inconsistent with any order or regulation of the Director heretofore issued. Notwithstanding any provision of any such order or regulation which permits such sale, no special sale shall be made if forbidden by the provisions of this regulation; and any special sale permitted by the provisions of this regulation may be made, and deliveries thereunder accepted by the buyer, despite any provision of any such order or regulation forbidding the same *except that*:

(i) Nothing in this regulation shall affect any provision contained in any order or regulation of the Director which imposes any quota or other limitation on the amount any buyer may purchase, receive or produce, or which imposes any limitations on the amount of inventory of any person or any restrictions upon the use of any material; and

(ii) This regulation shall not affect any provision of any applicable order or regulation of the Director requiring a buyer to make any reports or to furnish any information in connection with a purchase; and

(iii) No seller shall make any special sale if he knows or has reason to believe that the purchase or acceptance or delivery by the buyer would violate any inventory or quota restrictions imposed on the buyer by any order or regulation or that the buyer is acquiring the material for a use which would be in violation of any order or regulation.

(e) *Records.* Any person making any special sale must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to make such sale. Such records shall be kept segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of July, 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

## SCHEDULE "A"

## EXPLANATORY NOTE

This schedule relates only to special sales made under paragraph (c) (2) (v) of this regulation. Any purchaser of material through a special sale must comply with all inventory, quota, and use restrictions imposed by all other orders and regulations.

When an alloyed material, or a physically or chemically compounded material, is shown in this table, the conditions that govern the sale of the alloyed or compounded material are those shown for the alloy or compound and not those shown for the constituent elements or parts. For example, the conditions under which stainless steel may be sold are those shown for the war material "Stainless Steel" and not those

shown for "Chromium" or "Nickel" or "Steel". When any alloy, compound, mixture, or product is not listed as such on Schedule "A" and contains a significant amount of more than one war material, the sale shall be made only to a person to whom all such contained war materials may be sold.

The word "No" appearing in any column in this schedule means that a holder may not sell the particular war material to any person in the class to which that column applies unless the sale is otherwise permitted by this regulation.

The letters "PR" mean Preference Rating, and wherever they appear in any column, mean that the holder may sell the particular war material to any person in the class to which that column applies, but only provided that such person places with the holder an order for the material bearing a duly

applied or extended preference rating equal to or higher than the rating shown immediately after the letters "PR". For example, "PR A-1-k", which appears opposite the war material "Nickel" in the column headed "Any producer permitted to buy for an authorized use" means that the holder may sell to any producer who places an order for a product containing nickel if that order bears a duly applied or extended preference rating of A-1-k or higher.

The letters "W. O. P." mean "Without Preference Rating" and wherever they appear in any column mean that the holder may sell the particular material to any person in the class to which that column applies without any preference rating from the buyer.

The letter "X" means "not applicable".

Wherever an asterisk (\*) appears, refer to the note in the "Remarks" column.

War material	Classes of buyers to whom special sales of war materials may be made in accordance with this schedule, subject to paragraph (d) (2) of this regulation					Remarks
	Producers as defined in this regulation		Reprocessors who are authorized to buy	Wholesale dealers in the material in the form held by holder	Scrap dealers who are authorized to buy	
	Producers who produce material in the form in which it was purchased by holder	Other producers permitted to buy for an authorized use				
(1)	(2)	(3)	(4)	(5)	(6)	(7)
PART I—METALS						
Alloy Steel (see Steels).						
Aluminum:						
Aluminum.....	W. O. P.	No.....	W. O. P.*	W. O. P.*	No.....	*Only to approved reprocessors and wholesale dealers. Lists available at WPB offices.
Powder and Paste.....	W. O. P.	No.....	X.....	W. O. P.	W. O. P.	
Pigments and Paint (see Chemicals).						
Scrap*.....	W. O. P.	No.....	W. O. P.**	X.....	W. O. P.**	*Subject to limitations in M-1-d on sale of certain segregated scrap. **Only to approved reprocessors and scrap dealers. Lists available at WPB offices.
Antimony:						
Antimony.....	W. O. P.	No.....	No.....	W. O. P.	No.....	
Chemicals (see Chemicals).						
Antimonial Lead (see Lead).						
Scrap.....	W. O. P.	No.....	W. O. P.	X.....	W. O. P.	
Babbitt (see Tin).						
Beryllium (including scrap).....	W. O. P.	No.....	No.....	W. O. P.	W. O. P.*	*Only when sold as scrap.
Brass (see Copper).						
Brass Mill Scrap (see Copper).						
Brass and Wire Mill Products (see Copper).						
Bronze (see Copper).						
Cadmium:						
Cadmium.....	No.....	No.....	No.....	W. O. P.	No.....	
Chemicals (see Chemicals).						
Scrap.....	No.....	No.....	No.....	X.....	W. O. P.	
Carbon Steel (see Steels).						
Cast Iron Products (see Iron).						
Chromium:						
Chromium.....	W. O. P.	PR A-1-k	X.....	W. O. P.	No.....	
Chemicals (see Chemicals).						
Scrap.....	W. O. P.	PR A-1-k	W. O. P.	X.....	W. O. P.	
Cobalt:						
Cobalt (including scrap).....	W. O. P.	No.....	X.....	W. O. P.	W. O. P.*	*Only when sold as scrap.
Chemicals (see Chemicals).						
Copper:						
Copper Ingots and Refinery Shapes.....	W. O. P.	No.....	X.....	W. O. P.*	No.....	*Only to persons holding allocation certificates or specific authorization to buy.
Copper-Base Alloy Ingots (50% copper by weight).....	W. O. P.	No.....	X.....	W. O. P.*	No.....	
Brass and Wire Mill Products.....	W. O. P.	PR A-1-k	X.....	W. O. P.*	No.....	
Copper and Brass Foundry Products.....	W. O. P.	PR A-1-k	X.....	W. O. P.*	No.....	
Copper and Copper-Base Alloy Scrap.....	W. O. P.	No.....	X.....	X.....	W. O. P.	
Brass Mill Scrap.....	W. O. P.*	No.....	X.....	X.....	W. O. P.	*Only to Brass Mills.

Wherever an asterisk (\*) appears, refer to the note in the "Remarks" column.

War material	Classes of buyers to whom special sales of war materials may be made in accordance with this schedule, subject to paragraph (d) (2) of this regulation					Remarks
	Producers as defined in this regulation		Reprocessors who are authorized to buy	Wholesale dealers in the material in the form held by holder	Scrap dealers who are authorized to buy	
	Producers who produce material in the form in which it was purchased by holder	Other producers permitted to buy for an authorized use				
(1)	(2)	(3)	(4)	(5)	(6)	(7)
PART I—METALS—Continued						
Ferroalloys*						*May be sold as provided for principal non-ferrous element.
Inconel (see Nickel).						
Iridium (including scrap)	W. O. P.	W. O. P.*	W. O. P.	W. O. P.	W. O. P.**	*Cannot be used for jewelry. **Only when sold as scrap.
Iron:						
Alloy Iron Castings*	W. O. P.	PR A-1-k	W. O. P.	X	W. O. P.	*Does not include materials commonly known as "ferroalloys", listed in Priorities Regulation No. 11 as "ferro-alloying agents".
Pig Iron	W. O. P.	No.	No.	No.	No.	
Wrought Iron	W. O. P.	PR A-9	W. O. P.	W. O. P.	No.	
Cast Iron Product	W. O. P.	PR A-9	W. O. P.	W. O. P.	No.	
Alloy Iron Scrap	W. O. P.	No.	W. O. P.	X	W. O. P.	
Other Iron Scrap	W. O. P.	W. O. P.	W. O. P.	X	W. O. P.	
Lead:						
Lead	W. O. P.	W. O. P.	W. O. P.	W. O. P.	No.	
Antimonial Lead	W. O. P.	W. O. P.	W. O. P.	W. O. P.	No.	
Scrap	W. O. P.	W. O. P.	W. O. P.	X	W. O. P.	
Magnesium (including scrap)	W. O. P.*	No.	W. O. P.*	W. O. P.	No.	*Only to approved reprocessors. Lists available at WPB offices.
Mercury:						
Mercury	W. O. P.	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Mercury Chemicals (see Chemicals).						
Molybdenum:						
Molybdenum (including scrap)	W. O. P.	No.	No.	W. O. P.	W. O. P.*	*Only when sold as scrap.
Chemicals (see Chemicals).						
Monel (see Nickel).						
Nickel:						
Nickel (including Monel and Inconel)	W. O. P.	PR A-1-k	No.	W. O. P.	No.	
Solutions and Salts (see Chemicals).						
Scrap	W. O. P.	PR A-1-k	W. O. P.	X	W. O. P.	
Nickel Steel (see Steels).						
Pig Iron (see Iron).						
Platinum:						
Platinum (including scrap)	W. O. P.	W. O. P.	W. O. P.	W. O. P.	W. O. P.*	*Only when sold as scrap.
Chemicals (see Chemicals).						
Rhodium (including scrap)	W. O. P.	W. O. P.*	W. O. P.	W. O. P.	W. O. P.**	*Cannot be used for jewelry. **Only when sold as scrap.
Solder (see Tin Solder).						
Stainless Steel (see Steels).						
Steels:						
Carbon Steel in any single lot over 5 short tons.*	W. O. P.	No.	No.	No.	No.	*Holder shall consider as a single lot all steel of the same size and specification at one location.
Carbon Steel except any lot over 5 short tons:						
Plates*	W. O. P.	PR A-1-a	No.	W. O. P.	No.	*As defined in M-21-c.
Rails	No.	No.	No.	No.	No.	
Structural	W. O. P.	PR A-1-a	No.	W. O. P.	No.	
Carbon Tool Steel	W. O. P.	PR A-1-a	No.	W. O. P.	No.	
Other Carbon Steel	W. O. P.	PR A-2	W. O. P.	W. O. P.	No.	
Carbon Steel Scrap in any quantity	W. O. P.	W. O. P.	W. O. P.	X	W. O. P.	
Alloy Steel* in any single lot over 2,000 pounds**	W. O. P.	No.	No.	No.	No.	*General definition M-21-a. **Holder shall consider as a single lot all steel of the same size and specification at one location.
Alloy Steel* except any lot over 2,000 pounds:						
Plates*	W. O. P.	PR A-1-a	No.	W. O. P.	No.	*General definition M-21-a.
Stainless Steel*	W. O. P.	PR A-1-a	No.	W. O. P.	No.	*As defined in M-21-c.
Tool Steel	W. O. P.	PR A-1-a	No.	W. O. P.	No.	*As defined in M-21-d.
Other Alloy Steel	W. O. P.	PR A-1-a	No.	W. O. P.	No.	
Alloy Steel Scrap in any quantity	W. O. P.	No.	No.	X	W. O. P.	
Tantalum (including scrap)	W. O. P.	No.	X	W. O. P.	W. O. P.*	*Only when sold as scrap.
Terne Plate	W. O. P.	PR A-10	W. O. P.	W. O. P.	No.	
Terne Plate Scrap	W. O. P.	No.	W. O. P.	X	W. O. P.	
Tin:						
Tin (including scrap)	No.	No.	No.	No.	W. O. P.*	*Only when sold as scrap.
Babbitt	W. O. P.	PR A-9	W. O. P.	W. O. P.	W. O. P.	
Tin Solder	W. O. P.	PR A-9	W. O. P.	W. O. P.	W. O. P.	
Chemicals (see Chemicals).						
Tin Plate	W. O. P.	PR A-10	W. O. P.	W. O. P.	No.	
Tin Plate Scrap	W. O. P.	No.	W. O. P.	X	W. O. P.*	*Subject to limitations of M-24-a.
Tool Steel (see Steels).						
Tungsten:						
Tungsten (including scrap)	W. O. P.	No.	No.	W. O. P.	W. O. P.*	*Only when sold as scrap.
Chemicals (see Chemicals).						
Vanadium:						
Vanadium (including scrap)	W. O. P.	No.	No.	W. O. P.	W. O. P.*	*Only when sold as scrap.
Chemicals (see Chemicals).						
Wrought Iron (see Iron).						
Zinc:						
Zinc	W. O. P.	PR A-9	W. O. P.	W. O. P.	No.	
Sulphide chemicals (see chemicals)						
Dust	W. O. P.	PR A-9	W. O. P.	W. O. P.	W. O. P.	
Scrap	W. O. P.	W. O. P.	W. O. P.	X	W. O. P.	

Wherever an asterisk (\*) appears, refer to the note in the "Remarks" column.

War material	Classes of buyers to whom special sales of war materials may be made in accordance with this schedule, subject to paragraph (d) (2) of this regulation					Remarks
	Producers as defined in this regulation		Reprocessors who are authorized to buy	Wholesale dealers in the material in the form held by holder	Scrap dealers who are authorized to buy	
	Producers who produce material in the form in which it was purchased by holder	Other producers permitted to buy for an authorized use				
(1)	(2)	(3)	(4)	(5)	(6)	(7)
PART II—CHEMICALS						
Acetic Anhydride.....	W. O. P.	PR A-1-k	X	W. O. P.	X	
Acids:						
Acetic.....	W. O. P.	PR A-1-k	X	W. O. P.	X	
Arsenious.....	W. O. P.	No.	X	W. O. P.	X	
Naphthenic.....	W. O. P.	No.	X	No.	X	
Acrylonitrile.....	W. O. P.	No.	X	W. O. P.	X	
Alcohols:						
Butyl*.....	W. O. P.	No.	X	W. O. P.	X	*Includes Isobutyl.
Capryl.....	W. O. P.	No.	X	W. O. P.	X	
Ethyl* (160 proof and higher).....	W. O. P.	PR A-1-k	X	W. O. P.	X	*Includes related compounds, see M-30.
Isopropyl.....	W. O. P.	No.	X	W. O. P.	X	
Methyl (Methanol).....	W. O. P.	W. O. P.	X	W. O. P.	X	
Methyl Ethyl Ketone.....	W. O. P.	No.	X	W. O. P.	X	
Ammonia:						
By-product Ammonia*.....	W. O. P.	No.	X	W. O. P.	X	*Includes salts and solutions.
Sulphate of Ammonia*.....	W. O. P.	No.	X	W. O. P.	X	*Containing 20.5 percent nitrogen or less.
Synthetic Ammonia*.....	W. O. P.	No.	X	W. O. P.	X	*Includes compounds.
Aniline.....	W. O. P.	No.	X	W. O. P.	X	
Antimony Chemicals.....	W. O. P.	No.	X	W. O. P.	X	
Aromatic Petroleum Solvents*.....	W. O. P.	PR A-2	X	W. O. P.	X	*As defined in M-150.
Babassu Oil (see Oils).....	W. O. P.	No.	X	W. O. P.	X	
Benzene.....	W. O. P.	No.	X	W. O. P.	X	
Beryllium Chemicals.....	W. O. P.	PR A-1-k	X	W. O. P.	X	
Butyl Alcohol (see Alcohols).....	W. O. P.	No.	X	W. O. P.	X	
Cadmium Chemicals.....	W. O. P.	No.	X	W. O. P.	X	
Calcium-Silicon.....	W. O. P.	No.	X	W. O. P.	X	
Cashew Nut Shell Oil (see Oils).....	W. O. P.	No.	X	W. O. P.	X	
Chemical Cotton Pulp.....	W. O. P.	No.	X	W. O. P.	X	
Chlorate Chemicals.....	W. O. P.	No.	X	W. O. P.	X	
Chlorine.....	W. O. P.	No.	X	W. O. P.	X	
Chlorinated Hydrocarbon Refrigerants.....	W. O. P.	No.	X	W. O. P.	X	
Chlorinated Hydrocarbon Solvents*.....	W. O. P.	PR A-10	W. O. P.	W. O. P.	X	*Carbon tetrachloride, chloroethylene, perchloroethylene, and ethylene dichloride.
Chlorinated Rubber (see Rubber).....	W. O. P.	W. O. P.	X	W. O. P.	X	
Chromium Chemicals.....	W. O. P.	No.	X	W. O. P.	X	
Cobalt Chemicals.....	W. O. P.	No.	X	W. O. P.	X	
Coconut Oil (see Oils).....	W. O. P.	No.	X	W. O. P.	X	
Cotton Pulp, Chemical (see Chemical Cotton Pulp).....	W. O. P.	No.	X	W. O. P.	X	
Cyanamid.....	W. O. P.	No.	X	W. O. P.	X	
Diphenylamine.....	W. O. P.	No.	X	W. O. P.	X	
Dyestuffs (controlled by M-103).....	W. O. P.	W. O. P.	W. O. P.	W. O. P.	X	
Ethyl Acetate.....	W. O. P.	PR A-1-k	W. O. P.	W. O. P.	X	
Ethyl Cellulose.....	W. O. P.	W. O. P.	X	W. O. P.	X	
Formaldehyde (see Resins).....	W. O. P.	PR A-10	X	W. O. P.	X	
Glycerine.....	W. O. P.	PR A-10	X	W. O. P.	X	
Hexamethylene Tetramine (see Resins).....	W. O. P.	W. O. P.	X	W. O. P.	X	
High Lauric Acid Oils (see Oils).....	W. O. P.	W. O. P.	X	W. O. P.	X	
Mercury Chemicals.....	W. O. P.	No.	X	W. O. P.	X	
Methanol (see Alcohols).....	W. O. P.	No.	X	W. O. P.	X	
Naphthalene.....	W. O. P.	No.	X	W. O. P.	X	
Naphthenates:						
Driers *.....	W. O. P.	PR A-2	W. O. P.	W. O. P.	X	*Driers containing more than 40% Naphthenates.
Other Naphthenic Mixtures *.....	W. O. P.	PR A-10	W. O. P.	W. O. P.	X	*With more than 1% Naphthenates, except mixtures which are cleaning compounds, greases, compounded lubricating oils and other lubricants.
Naphthenic Acid (see Acids, Naphthenic).....	W. O. P.	PR A-1-k	W. O. P.	W. O. P.	X	
Nickel Solutions and Nickel Salts.....	W. O. P.	PR A-2	X	W. O. P.	X	
Oils:						
Cashew Nut Shell.....	W. O. P.	PR A-2	X	W. O. P.	X	
High Lauric Acid* (Coconut, Babassu, Palm Kernel, Etc.).....	W. O. P.	W. O. P.	X	W. O. P.	X	*Lauric Acid content of 35% and over.
Palm.....	W. O. P.	W. O. P.	X	W. O. P.	X	
Rapeseed.....	W. O. P.	W. O. P.	X	W. O. P.	X	
Sperm.....	W. O. P.	No.	X	W. O. P.	X	
Tung & Oiticica.....	W. O. P.	PR A-2	X	W. O. P.	X	
Oiticica Oil (see Oils).....	W. O. P.	PR A-2	X	W. O. P.	X	
Palm Kernel Oil (see Oils).....	W. O. P.	PR A-2	X	W. O. P.	X	
Palm Oil (see Oils).....	W. O. P.	PR A-2	X	W. O. P.	X	
Paraformaldehyde (see Resins).....	W. O. P.	W. O. P.	X	W. O. P.	X	
Perchlorate Chemicals (see Chlorate Chemicals).....	W. O. P.	No.	X	W. O. P.	X	
Phenols.....	W. O. P.	No.	X	W. O. P.	X	
Platinum Chemicals.....	W. O. P.	W. O. P.	W. O. P.	W. O. P.	X	
Polyvinyl Chloride.....	W. O. P.	No.	X	W. O. P.	X	
Rapeseed Oil (see Oils).....	W. O. P.	No.	X	W. O. P.	X	
Resins:						
Natural.....	W. O. P.	W. O. P.	X	W. O. P.	X	
Synthetic (and Formaldehyde, Paraformaldehyde, Hexamethylene-tetramine).....	W. O. P.	W. O. P.	X	W. O. P.	X	

Wherever an asterisk (\*) appears, refer to the note in the "Remarks" column.

War material	Classes of buyers to whom special sales of war materials may be made in accordance with this schedule, subject to paragraph (d) (2) of this regulation					Remarks
	Producers as defined in this regulation		Reprocessors who are authorized to buy	Wholesale dealers in the material in the form held by holder	Scrap dealers who are authorized to buy	
	Producers who produce material in the form in which it was purchased by holder	Other producers permitted to buy for an authorized use				
(1)	(2)	(3)	(4)	(5)	(6)	(7)
PART II—CHEMICALS—Continued						
Rotenone	W. O. P.	W. O. P.	X	W. O. P.	X	
Rubber, Synthetic (see Rubber).						
Rutile (see Titanium Pigments).						
Shellac*	W. O. P.	No.	X	W. O. P.	X	*Does not include lac which has been bleached, cut, or incorporated in protective or technical coatings.
Sodium Nitrate	W. O. P.	W. O. P.	X	W. O. P.	X	
Sperm Oil (see Oils).						
Synthetic Resins (see Resins).						
Synthetic Rubber (see Rubber).						
Tantalum Chemicals	W. O. P.	No.	X	W. O. P.	X	
Tin Chemicals	W. O. P.	No.	X	W. O. P.	X	
Titanium Pigments	W. O. P.	No.	X	W. O. P.	X	
Toluene (Tolnol)*	W. O. P.	No.	W. O. P.	W. O. P.	X	*As defined in M-34, Amendment 1.
Tung Oil (see Oils).						
Tungsten Chemicals	W. O. P.	No.	X	W. O. P.	X	
Vanadium Chemicals	W. O. P.	No.	X	W. O. P.	X	
Vat Dyes (see Dyestuffs).						
Zinc Sulphide Pigments	W. O. P.	W. O. P.	X	W. O. P.	X	
PART III—MISCELLANEOUS						
Agave Fibre:						
Suitable for Cordage	W. O. P.	No.	X	W. O. P.	No.	*Only when sold as scrap.
Not Suitable for Cordage	W. O. P.	W. O. P.	X	W. O. P.	W. O. P.*	*Sale permitted to any person for agricultural purpose. **For resale for agricultural purpose. ***Only when sold as scrap.
Binder Twine*	W. O. P.	No.	X	W. O. P.**	W. O. P.***	
Wrapping Twine	W. O. P.	W. O. P.	X	W. O. P.	W. O. P.*	*Only when sold as scrap.
Asbestos:						
Long fibre suitable for spinning or imported from South Africa.	W. O. P.	W. O. P.	X	W. O. P.	X	
All Other	W. O. P.	W. O. P.	X	W. O. P.	W. O. P.*	*Only when sold as scrap.
Asbestos Textiles	W. O. P.	PR A-10.	X	W. O. P.	W. O. P.*	*Only when sold as scrap.
Bag Sheetting (see Cotton Textile Fabrics).						
Binder Twine (see Agave Fibre).						
Bristles, Pigs' and Hogs' (three inches and over)	W. O. P.	PR A-9.	W. O. P.	W. O. P.	W. O. P.*	*Only when sold as scrap.
Burlap (see Jute).						
Cork:						
Unmanufactured	W. O. P.	No.	X	W. O. P.	No.	
Manufactured and By-Product Cork	W. O. P.	No.	No.	No.	No.	
Corundum*	W. O. P.	No.	No.	W. O. P.	No.	*Emery, ruby, and sapphire not included.
Cotton Duck (see Duck).						
Cotton Textile Fabrics for:						
Agricultural Bags	W. O. P.	W. O. P.	X	W. O. P.	W. O. P.*	*Only when sold as scrap.
Bag Sheetting	W. O. P.	W. O. P.	X	W. O. P.	W. O. P.*	*Only when sold as scrap.
Osaburg	W. O. P.	W. O. P.	X	W. O. P.	W. O. P.*	*Only when sold as scrap.
Cotton, Egyptian*	W. O. P.	PR A-9.	X	W. O. P.	No.	*As defined in M-117.
Cotton Linters	W. O. P.	W. O. P.*	X	W. O. P.	X	*Only to chemical industry.
Cotton Seed, SXP*	W. O. P.	W. O. P.	X	W. O. P.	W. O. P.	*Subject to restrictions in M-92.
Diamonds, Industrial*	W. O. P.	W. O. P.	W. O. P.	W. O. P.	W. O. P.**	*Report sales as required by M-109.
Duck, Cotton*	W. O. P.	PR A-1-k.	X	W. O. P.	W. O. P.**	*Only when sold as scrap.
Goose and Duck Feathers	W. O. P.	W. O. P.	W. O. P.	W. O. P.	W. O. P.*	*Only when sold as scrap.
Graphite, Madagascar Flake	X	W. O. P.	W. O. P.	W. O. P.	No.	
Hemp Seed*	W. O. P.	No.	X	W. O. P.	X	*May be sold to person growing hemp.
Horsehide*	W. O. P.	W. O. P.	X	W. O. P.	W. O. P.**	*Restricted to military uses. **Only when sold as scrap.
Istle	W. O. P.	W. O. P.	X	W. O. P.	W. O. P.	
Jewel Bearing Material*	W. O. P.	No.	No.	No.	No.	*Does not include jewel bearings.
Jute:						
Raw Jute	W. O. P.	W. O. P.	X	W. O. P.	No.	
Jute Products	W. O. P.	W. O. P.	X	W. O. P.	W. O. P.	
Burlap and Bags*	W. O. P.	No.	X	W. O. P.	W. O. P.**	*As defined in M-47. Other burlap same as "Jute Products."
Kapok*	W. O. P.	No.	X	W. O. P.	W. O. P.**	**Only when sold as scrap.
Kyanite, Indian, Crude and Calcined*	W. O. P.	No.	X	No.	No.	*Except that grown in South or Central America.
Leather*, Sole	W. O. P.	W. O. P.	No.	W. O. P.	W. O. P.**	*Only when sold as scrap.
Loofta Sponges	W. O. P.	PR A-1-a.	X	W. O. P.	No.	
Mahogany and Philippine Mahogany	W. O. P.	PR A-10.	X	W. O. P.	No.	
Manila Fibre and Cordage*						
Cordage	W. O. P.	PR A-1-k.	No.	W. O. P.	W. O. P.*	*As defined in M-36 as amended.
Fibre	W. O. P.	W. O. P.	No.	W. O. P.	No.	*Only when sold as scrap.
Mica:						
Strategic	W. O. P.	W. O. P.	X	W. O. P.	No.	
Splittings	W. O. P.	W. O. P.	X	W. O. P.	No.	
OD Wool Clips, Rags and Waste (see Wool).						
Osaburg (see Cotton Textile Fabrics).						
Quartz Crystals*	W. O. P.	W. O. P.	W. O. P.	W. O. P.	X	*Report sales as required by M-146.

Wherever an asterisk (\*) appears, refer to the note in the "Remarks" column.

War material	Classes of buyers to whom special sales of war materials may be made in accordance with this schedule, subject to paragraph (d) (2) of this regulation					Remarks
	Producers as defined in this regulation		Reprocessors who are authorized to buy	Wholesale dealers in the material in the form held by holder	Scrap dealers who are authorized to buy	
	Producers who produce material in the form in which it was purchased by holder	Other producers permitted to buy for an authorized use				
(1)	(2)	(3)	(4)	(5)	(6)	(7)
PART III—MISCELLANEOUS—Continued						
Rubber:	No.	No.	No.	No.	No.	
Latex and Crude	No.	No.	No.	No.	No.	
Compounded Latex	No.	No.	No.	No.	No.	
Chlorinated	W. O. P.	No.	No.	No.	No.	
Synthetic	W. O. P.	No.	No.	No.	No.	
Reclaimed	No.	No.	No.	No.	No.	
Scrap	No.	No.	No.	X	W. O. P.	
Rubber Yarn and Elastic Thread	W. O. P.	W. O. P.	X	W. O. P.	W. O. P.*	*Only when sold as scrap.
Silk, Raw	W. O. P.	No.	X	W. O. P.	No.	
Silk Waste, Noils, etc.	W. O. P.	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Sole Leather (see Leather).						
Teak	W. O. P.	PR A-10.	X	W. O. P.	X	
Wood Pulp	W. O. P.	No.	X	W. O. P.	X	
Wool:						
Wool	W. O. P.	W. O. P.	W. O. P.	W. O. P.	W. O. P.*	*Only when sold as scrap.
OD Clips	W. O. P.	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
OD Rags and Waste	W. O. P.	W. O. P.	W. O. P.	W. O. P.	W. O. P.	
Wrapping Twine (see Agave Fibre)						

Wherever an asterisk (\*) appears, refer to the note in the "Remarks" column.

[F. R. Doc. 42-6444; Filed, July 7, 1942; 11:24 a. m.]

#### PART 955—MATERIAL ENTERING INTO THE CONSTRUCTION OF DEFENSE PROJECTS

[Amendment 2 to Preference Rating Order P-19a]

By virtue of the authority vested in the Director of Industry Operations, it is hereby ordered that:

All serial numbers of Preference Rating Order P-19a<sup>1</sup> (§ 955.2) are hereby amended as follows:

1. Paragraph (a) (3) is hereby amended to read as follows:

(3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to the builder or to another supplier.

2. Paragraph (a) is hereby further amended by adding the following subparagraph (5):

(5) "Expendible material" means material which will be wholly consumed by the builder at the location and during the construction of the defense project including, but not limited to, explosives, abrasives, perishable tools, forms, scaffolding, and the like. "Expendible material" shall not be deemed to include fuel, construction machinery or repair parts for construction machinery.

3. Paragraph (b) is hereby amended to read as follows:

(b) *Assignment of preference rating.* Preference rating ----- is hereby assigned to deliveries to the builder of expendible material and material which will be physically incorporated into the defense project.

<sup>1</sup> 6 F.R. 3801; 7 F.R. 3877.

4. Paragraph (c) and (d) are hereby revoked and the following paragraph (c) is hereby substituted therefor:

(c) *Application and extension of preference rating.* (1) The preference rating assigned hereby may be applied by the builder to deliveries of expendible material and material which will be physically incorporated into the defense project, in conformity with the provisions of Priorities Regulation No. 3 as amended.

(2) Any supplier to whom the preference rating hereby assigned has been applied or extended by the Builder or by another supplier may extend such rating in conformity with the provisions of Priorities Regulation No. 3 as amended.

5. Paragraph (f) is hereby amended to read as follows:

(f) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the builder shall retain for a period of 2 years for inspection by representatives of the War Production Board, endorsed copies of all purchase orders or contracts to which the rating assigned hereby has been applied, whether accepted or rejected, segregated from all other purchase orders or contracts and filed in such manner that they can be readily segregated for such inspection.

6. Paragraph (i) is hereby revoked.

Issued this 7th day of July, 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-6445; Filed, July 7, 1942; 11:24 a. m.]

#### PART 1038—MADAGASCAR FLAKE GRAPHITE

[Conservation Order M-61 as Amended July 7, 1942]

Section 1038.1 *Conservation Order M-61*<sup>1</sup> is hereby amended so as to read as follows:

§ 1038.1 *Conservation Order M-61—(a) Definitions.* For the purposes of this order:

(1) "Put into process" means the first change by a person in the form of material from that form in which it is received by him.

(2) "Madagascar flake graphite" means graphite mined in Madagascar of a grade that will stand on a 35 mesh screen.

(3) "Jobber" means a person who does not manufacture but regularly stocks crucibles for distribution to others.

(b) *Restrictions on use of Madagascar flake graphite.* No person shall put into process for any purpose any Madagascar flake graphite, except pursuant to the specific authorization of the Director of Industry Operations.

(c) *Restrictions on delivery of crucibles and other articles containing Madagascar flake graphite.* No person shall, without the specific authorization of the Director of Industry Operations, deliver any crucible containing Madagascar flake graphite to any person other than a jobber, and no person other than a jobber shall, without the specific authorization of the Director of Industry Operations, accept delivery of any such crucible, nor shall any person deliver or accept delivery of any article containing

<sup>1</sup> 7 F.R. 1064, 2272.

Madagascar flake graphite other than a crucible, except pursuant to the specific authorization of the Director of Industry Operations, unless such Madagascar flake graphite was put into process prior to February 17, 1942.

(d) *Restrictions on delivery of Madagascar flake graphite.* No person shall deliver and no person other than Metals Reserve Company shall accept delivery of any Madagascar flake graphite, except pursuant to the specific authorization of the Director of Industry Operations.

(e) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraph (b) hereof shall not apply to the putting into process of Madagascar flake graphite when such graphite is to be physically incorporated into any item which is being produced for delivery under a contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act), if in any such case the use of Madagascar flake graphite to the extent employed is required by the specifications of the prime contract; and the prohibitions and restrictions contained in paragraph (c) hereof shall not apply to the delivery or acceptance of delivery, pursuant to such a contract or subcontract, of any item if its manufacture was exempted under the provisions of this paragraph.

(f) *Applications for specific authorization.* (1) Any person other than a jobber seeking specific authorization from the Director of Industry Operations to accept delivery of any crucibles containing Madagascar flake graphite, shall apply periodically on Form PD-575 to the Director of Industry Operations for authority to do so and also for authority for his supplier to deliver such crucibles. This form must be used to obtain deliveries of crucibles containing Madagascar flake graphite on or after August 1, 1942 and must be filed with the War Production Board by the 20th day of the month prior to the first month in which any delivery of such crucibles is sought, except that in an emergency this form may be filed at any time. If deliveries of crucibles containing Madagascar flake graphite are sought prior to August 1, 1942, this form or Form PD-1A may be used at the applicant's option.

(2) Any person seeking specific authorization from the Director of Industry Operations to accept delivery of any Madagascar flake graphite to be used for the purpose of making crucibles or seeking specific authorization to put any Madagascar flake graphite into process for the purpose of manufacturing crucibles, shall apply monthly on Form PD-303B to the Director of Industry Opera-

tions for authority to do so and also for authority for a supplier to make any deliveries of such graphite which the applicant is authorized to receive.

(3) Any person seeking specific authorization from the Director of Industry Operations to accept delivery of any article containing Madagascar flake graphite other than a crucible, shall apply for such authority by letter and by the same letter he shall apply for authority for the proposed manufacturer of the article to put into process such Madagascar flake graphite and, if need be, for authority for such manufacturer to acquire Madagascar flake graphite for the purpose indicated. Such letter shall state the name of the applicant, the name of the proposed manufacturer of the article, the name of the person from whom the manufacturer is to acquire Madagascar flake graphite, if any, and the use to which the article is to be put.

(g) *Reports.* All persons having in their possession or processing Madagascar flake graphite or crucibles or other articles manufactured with Madagascar flake graphite, shall file reports with the War Production Board at such times and in such manner and form as it may prescribe, showing inventory, purchases, sales and consumption of such graphite or articles manufactured therewith and such other information as the War Production Board may from time to time require.

(h) *Miscellaneous provisions.*—(1) *Appeals.* Any person affected by this order who considers that compliance therewith would disrupt or impair war work may appeal to the War Production Board, Washington, D. C., Reference: M-61, setting forth the pertinent facts and the reason he considers he is entitled to relief.

(2) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the putting into process of material in all articles manufactured and to deliveries of articles or material made irrespective of whether such articles are manufactured or such deliveries are made pursuant to a contract made prior or subsequent to February 17, 1942. Insofar as any other order of the Director of Industry Operations or of the Director of Priorities may have the effect of limiting or curtailing the delivery or putting into process of Madagascar flake graphite or the delivery of any products made therewith, the limitations of such other order shall be observed.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War

Production Board, Mica-Graphite Branch, Washington, D. C. Ref: Order No. M-61.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-6446; Filed, July 7, 1942;  
11:24 a. m.]

#### PART 1107—TRACK-LAYING TRACTORS AND AUXILIARY EQUIPMENT

[Supplementary General Limitation Order L-53-b]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain repair parts necessary to service track-laying tractors for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1107.3 *Supplementary Limitation Order L-53-b—(a) Definitions.* For the purpose of this order:

(1) "Track-laying tractor" means a vehicle powered by an internal combustion engine, used for pushing or pulling heavy loads and obtaining traction from a crawler or track-type device.

(2) "Repair part" means any part manufactured for use in the repair of track-laying tractors.

(3) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(4) "Producer" means any person engaged in the manufacture of track-laying tractors and of repair parts.

(5) "Certified minimum requirements" means that quantity of repair parts declared in writing by a purchaser pursuant to subparagraph (e) (1) of this order to be the minimum quantity immediately necessary to put the track-laying tractor for which such repair parts are intended into serviceable condition.

(6) "War project" means a construction project undertaken by, or contracted for by or for the account of, the Army, Navy, Maritime Commission or Defense Plant Corporation, or any other construction project granted a preference rating higher than A-2 under any order in the P-19 series.

(7) "Continental limits of the United States" includes the forty-eight states of the United States but does not include Alaska or the Panama Canal Zone.

(b) *Nonapplicability of Part of Priorities Regulation No. 1.* The provisions of § 944.2 through and including § 944.9 of Priorities Regulation No. 1 as amended shall not be applicable to any purchase order for repair parts.

(c) *Limitations on production.* No producer shall during the period July 1, 1942 to June 30, 1943, produce repair parts of a value (manufacturer's cost) in excess of 50% of the total value (manufacturer's cost) of his entire production during the calendar year 1941 of track-laying tractors and repair parts combined.

(d) *Limitations on sales by producer.* (1) No producer shall sell or deliver repair parts to any person except to:

(i) The Army, Navy or Maritime Commission,

(ii) An authorized distributor or dealer of repair parts located within the continental limits of the United States or Canada,

(iii) Any person for export outside the continental limits of the United States or Canada.

(2) No producer shall during the period July 1, 1942 to June 30, 1943, sell or deliver to or for the accounts of the Army and Navy repair parts of a value (manufacturer's cost) in excess of an aggregate of 40% of the total value (manufacturer's cost) of his production of repair parts during such period provided that nothing in this subparagraph (2) shall prevent the sale or delivery of repair parts, pursuant to paragraph (e) (1) of this order by an authorized distributor or dealer thereof to the Army or Navy for repair of track-laying tractors owned by the United States and which are to be used on a war project.

(3) No producer shall, during any calendar quarter, sell or ship to any authorized distributor or dealer of repair parts located within the continental limits of the United States or Canada a quantity of repair parts of a value (manufacturer's cost) in excess of 60% of the value of shipments to such distributor or dealer during the preceding six calendar month period.

(e) *Limitations on sales by distributors and dealers.* (1) No distributor or dealer in repair parts shall sell or deliver any repair parts to any person, including the Army, Navy and Maritime Commission, unless such person has furnished to such distributor or dealer the information called for below, in a writing signed by such person and in substantially the following form, with respect to each track-laying tractor for which repair parts are sought to be purchased:

The undersigned certifies to the seller and to the War Production Board that the following statements are correct:

(i) -----  
(Make and model of track-laying tractor for which repair parts are sought.)

(ii) -----  
(Factory serial number)

No. 133—4

(iii) -----  
(Owner of track-laying tractor)

(iv) -----  
(Type of work track-laying tractor is being repaired to perform (e. g., government construction, mining, logging, agriculture, etc.))

(v) -----  
(Minimum quantity of parts immediately necessary to put such track-laying tractor in serviceable condition)

-----  
Date

-----  
Name of Purchaser

-----  
Address of Purchaser

(2) No distributor or dealer of repair parts shall sell or deliver a quantity of repair parts to any person in excess of such person's certified minimum requirements.

(3) Whenever the inventory of repair parts in the possession or control of an authorized distributor or dealer of repair parts is insufficient to fill purchase orders presented to him for certified minimum requirements, he shall accept and give preference to the purchase orders for certified minimum requirements necessary to repair track-laying tractors to be used on war projects.

(f) *Records.* Each authorized distributor or dealer of repair parts shall keep and preserve for not less than 2 years each purchase order and certificate of minimum requirements pursuant to which he has sold repair parts. All persons affected by this order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* Each manufacturer to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(i) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The director of industry operations may thereupon take such action as he deems appropriate.

(k) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Construction Machinery Branch, Washington, D. C. Ref.: L-53-b. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of July, 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-6447; Filed, July 7, 1942; 11:23 a. m.]

#### PART 1192—DOMESTIC SEWING MACHINES

[Amendment 1 to General Limitation Order L-98]

Section 1192.1 *General Limitation Order L-98* is hereby amended in the following particulars:

Paragraph (a) is hereby amended by adding at the end thereof the following new subparagraph:

(10) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

Paragraph (b) (2) (ii) is hereby amended to read as follows:

(ii) During the period of eight months, beginning May 1, 1942, he may manufacture repair parts subject to the following conditions:

(a) He may not put into process in the manufacture of repair parts more iron and steel than eight times 125% of the average monthly weight of iron and steel contained in the repair parts manufactured by him during the two year period ending December 31, 1941; and

(b) He may not put into process in the manufacture of repair parts more of any non-ferrous metal than eight times 100% of the average monthly weight of such metal contained in the repair parts manufactured by him during the two year period ending December 31, 1941."

Paragraph (b) (3) is hereby amended to read as follows:

(3) No manufacturer shall on and after May 25, 1942, and no person other than a manufacturer shall on and after July 15, 1942, install any new sewing machine part, other than a repair part, in a new or used domestic sewing machine, except to complete the new domestic sewing machines, the production of which is permitted under the terms of subparagraph (b) (1).

Paragraph (b) (6) (i) is hereby amended to read as follows:

(i) In connection with his manufacture or sale of domestic sewing machines, attachments, sewing machine parts, or

\*7 F.R. 3079.

attachment parts, or of any commercial or industrial sewing machines, attachments or parts for such machines or attachments, to the extent that such manufacture or sale is not prohibited by the terms of this order or of any other order heretofore or hereafter issued by the Director of Priorities or by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-6448; Filed, July 7, 1942;  
11:23 a. m.]

#### PART 1266—AIRCRAFT CONTROL AND PULLEY BEARINGS

[Amendment 1 to Limitation Order L-145]

Section 1266.1 *Limitation Order L-145*<sup>1</sup> is hereby amended as follows:

1. Paragraph (b) (2) is amended to read as follows:

(2) If on and after June 10, 1942, a producer is requested to accept a purchase order for aircraft control or Pulley Bearings of any size on Exhibit A as to which he is not designated an "authorized producer" but such producer has on hand completed bearings, or partially or wholly completed parts for such bearings sufficient to fill such order partially or in full, then he may deliver the completed bearings on hand, or complete such bearings out of the parts on hand and deliver the same, against such order.

2. Exhibit A to § 1266.1 is amended as follows:

(1) By striking out "Federal Bearings Company" as an authorized producer of size K37B.

(2) By striking out "Norma-Hoffmann Bearings Corp." as an authorized producer of K3L2 and inserting "Federal Bearings Company" instead and in place thereof.

(3) By adding "G4J17" to the list of sizes of bearings and inserting "Fafnir Bearings Company" as the authorized producer of such size.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of July 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-6449; Filed, July 7, 1942;  
11:23 a. m.]

<sup>1</sup> 7 F.R. 4327.

#### Chapter XI—Office of Price Administration

##### PART 1305—ADMINISTRATION

##### REMOVAL OF LIABILITY OF WAR PROCUREMENT AGENCIES

*Supplementary Order No. 7—Removal of Liability of War Procurement Agencies and Governments Whose Defense Is Vital to the Defense of the United States.*

A statement of the considerations involved in the issuance of this Supplementary Order, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

§ 1305.8 *Removal of liability of War Procurement Agencies.* (a) The prohibition contained in any price regulation of the Office of Price Administration against buying or receiving any commodity or service at a price higher than the maximum price permitted by such regulation shall not be construed to apply to (1) any war procurement agency of the United States or any contracting or paying finance officer thereof and (2) the government of any country the defense of which the President of the United States deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or to any agency of any such government. Any such war procurement agency or contracting or paying finance officer thereof and any such government or any agency thereof shall be relieved of any and every liability, civil or criminal, imposed by such regulation or by the Emergency Price Control Act of 1942.

(b) "War procurement agency," as used in this Supplementary Order includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department; and the following subsidiaries of the Reconstruction Finance Corporation, Rubber Reserve Corporation, Metals Reserve Corporation, Defense Plant Corporation and Defense Supplies Corporation, or any agency of any of the foregoing.

(c) "Price regulation," as used in this Supplementary Order, means a price schedule effective in accordance with the provisions of Section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(d) *Effective date of Supplementary Order No. 7.* This Supplementary Order No. 7 (§ 1305.8) shall become effective

July 11, 1942. (Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6409; Filed, July 6, 1942;  
5:21 p. m.]

##### PART 1306—IRON AND STEEL

[Amendment 6 to Revised Price Schedule 49<sup>1</sup>]

##### RESALE OF IRON OR STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Paragraphs (e) and (n) of § 1306.159 are amended to read as set forth below:

§ 1306.159 *Appendix A: Domestic and export maximum prices for iron and steel products.* \* \* \*

(e) *Maximum prices for exports of iron or steel products.* Maximum prices for export sales of iron or steel products under this Revised Price Schedule No. 49 shall be computed in accordance with the Maximum Export Price Regulation,<sup>2</sup> and any amendments or revisions thereof. In the computation such maximum export prices, the export premiums over domestic maximum prices, of 5% for export agents and 10% for export merchants, previously established under this Price Schedule shall be considered as the maximum premium being charged in the trade on exports of iron and steel products during the period March 1-April 15, 1942.

(n) *Special provisions for the sale of distress and stranded materials.* (1) In the case of distress or stranded material, the maximum price which may be charged by any person for resale within the United States shall be:

(i) The domestic ceiling price, as established by this Revised Price Schedule No. 49 or Revised Price Schedule No. 6<sup>3</sup> at the place at which the material is located, exclusive of any fees, commissions or charges for any agent, broker or other intermediary, whether such agent, broker or other intermediary act in a domestic or export transaction; plus

(ii) Ocean freight and marine or war risk insurance incurred since November 15, 1941, to the extent actually paid on such material, plus

(iii) Storage or demurrage charges directly attributable to failure to secure shipping space as a result of war or of stoppage or diversion by act of a govern-

<sup>1</sup> 7 F.R. 1300, 1836, 2132, 2473, 2540, 2682, 2790, 2790, 2790, 2791, 2791, 2791, 3330, 3540, 3763, 3893, 4342.

<sup>2</sup> 7 F.R. 3096, 3824.

<sup>3</sup> 7 F.R. 1215, 1836, 2132, 2153, 2298, 2299, 2351, 3330.

mental agency in the interests of national defense, not however to exceed 5% of the domestic ceiling price (as calculated without reference to this paragraph (n)) at the place at which the material is stored.

(2) The maximum price as established in this paragraph (n) may be an f. o. b. price at the place at which such material is stored.

(3) In any case in which a sale is made pursuant to the terms of this paragraph (n), a statement of the source of such material, the charges incurred upon it, and the destination and price actually charged shall be filed with the Office of Price Administration within 15 days after such sale is made. The statement shall include the name of the purchaser, the priority rating applicable to the sale, and an affirmation that the sale has been made in conformity to any priority or other orders of the War Production Board. The statement shall be in affidavit form.

(4) This paragraph (n) shall affect only voluntary sales, and shall not affect the price at which any iron or steel products may be requisitioned.

(5) This paragraph (n) shall be in effect until October 1, 1942, and shall be of null effect and validity after that date, unless specifically extended by the Price Administrator.

§ 1306.158a *Effective dates of amendments.*

(f) Amendment No. 6 to Revised Price Schedule No. 49 (paragraphs (e) and (n) of § 1306.159) shall become effective July 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6407; Filed, July 6, 1942; 5:21 p. m.]

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment No. 1 to Revised Price Schedule No. 87, as amended]

##### SCRAP RUBBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new "kind of scrap rubber" is added at the end of Table II in § 1315.1263:

§ 1315.1263 *Appendix A: Maximum prices for scrap rubber—(a) Chief consuming centers.*

TABLE II—MAXIMUM PRICES AT CONSUMING CENTERS

Kind of scrap rubber	Akron, Ohio; Buffalo, N. Y.; East St. Louis, Ill.; Gadsden, Ala.; Memphis, Tenn.; Naugatuck, Conn.		Los Angeles, Calif.
	Dollars per short ton		
	• • •		•
Miscellaneous inner tubes <sup>23</sup> .....	Cents per pound		
	• • •		•
	6		5 1/4

<sup>22</sup> Miscellaneous inner tubes. This kind shall include all kinds of inner tubes for pneumatic tires, not elsewhere listed in Table II, and miscellaneous lots of any kinds of unsorted inner tubes for pneumatic tires.

§ 1315.1262 *Effective dates of amendments.*

(b) Amendment No. 1 (§ 1315.1263 (a)) to Revised Price Schedule No. 87, as Amended, shall become effective July 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6401; Filed, July 6, 1942; 5:19 p. m.]

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 3 to Maximum Price Regulation 107<sup>1</sup>]

##### USED TIRES AND TUBES

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1315.1354 (a), § 1315.1356 (a), § 1315.1360 (a), and § 1315.1361 (b) are amended to read as follows; a new § 1315.1356a is added; a new subparagraph (13) is added to § 1315.1358 (a); and a new Table III-B is added to § 1315.1361, immediately following the tables therein, as set forth below:

§ 1315.1354 *Posting of prices.* (a) Every person engaged in the business of selling used tires or tubes not mounted as part of the equipment of a vehicle, shall keep posted in a conspicuous place in each establishment at which such tires or tubes are offered for sale, a statement setting forth the maximum prices which he is permitted to charge under this Maximum Price Regulation No. 107, and

the conditions of sale prescribed by § 1315.1353. For this purpose it shall be permissible to employ a copy of the lists of maximum prices printed in Appendices A and B (§§ 1315.1360 and 1315.1361) and of § 1315.1353.

§ 1315.1356 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 107 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1315.1356a *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.*<sup>2</sup> The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 107 selling at wholesale or retail any used tire or tube covered by this Maximum Price Regulation No. 107. When used in this § 1315.1356a the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at wholesale on May 11, 1942 and as to persons selling at retail on May 18, 1942.

§ 1315.1358 *Definitions.* (a) \* \* \* (13) "Special purpose tube" means any rubber tube of the following brands produced by the following manufacturers:

Brand name	Manufacturer
Puncture Proof.	The Firestone Tire & Rubber Co.
Life Protectors.	The Firestone Tire & Rubber Co.
Puncture Proof.	The General Tire & Rubber Co.
Retain-Air.	The General Tire & Rubber Co.
Seal-O-Matic.	The B. F. Goodrich Co.
Air Container.	The B. F. Goodrich Co.
Quick Seal.	The B. F. Goodrich Co. (Brunswick Tires and Tubes)
Quick Seal.	The B. F. Goodrich Co. (Diamond Tires and Tubes)
Quick Seal.	The B. F. Goodrich Co. (Hood Tires and Tubes)
Quick Seal.	The B. F. Goodrich Co. (Miller Tires and Tubes)
Puncture Seal.	The Goodyear Tire & Rubber Co.
Life Guards.	The Goodyear Tire & Rubber Co.
Air-Core.	The Kelly-Springfield Tire Co.

<sup>1</sup> 7 F.R. 3153, 3330, 3366, 3990, 3991, 4339, 4487.

<sup>2</sup> 7 F.R. 1838, 1981, 2394, 3891.

Brand name	Manufacturer
Puncture Sealing-----	The Polson Rubber Company
Sealed-Air-----	Seiberling Rubber Company
Master Seal-----	United States Rubber Company

§ 1315.1360 Appendix A: Maximum prices for used passenger-car tires and tubes. (a) (1) The maximum price for any used passenger-car tube, other than special purpose tubes, shall be one dollar and fifty cents (\$1.50).

(2) The maximum price for any used special purpose tube shall be the price listed in Table III-B of Appendix B (§ 1315.1361).

§ 1315.1361 Appendix B: Maximum prices for used truck and bus tires and tubes.

(b) (1) The maximum price for any used truck or bus tube, other than special purpose tubes, shall be the price listed in Table II-B.

(2) The maximum price for any used special purpose tube shall be the price listed in Table III-B.

TABLE III-B—Maximum prices for used special purpose tubes

Tire size	Maximum prices
4.00-18-----	\$3.00
4.00-19-----	3.10
4.50-18-----	3.30
4.50-19-----	3.40
4.75-19-----	4.15
4.40/4.50/4.75-21-----	4.60
5.00-16-----	3.40
4.75/5.00/5.25-19-----	4.75
5.00/5.25-17-----	4.80
5.25-17-----	4.80
5.25-18-----	4.95
5.50-16-----	4.70
5.50-17-----	5.05
5.50/6.00-17-----	5.45
5.50/6.00-18-----	5.60
5.50/6.00-19-----	5.65
5.50/6.00-20 (30 x 5)-----	8.05
6.00-16-----	5.45
6.00-20 (30 x 5)-----	6.70
6.25-16-----	6.00
6.00/6.25-16-----	5.45
6.50-15-----	6.40
6.50-16-----	6.60
6.50-20 (32 x 6 TT)-----	7.70
6.25/6.50-16-----	6.00
7.00-15-----	6.40
7.00-16-----	6.70
7.00-17-----	6.90
7.00-18-----	7.05
7.00-20 (32 x 6)-----	8.60
7.00-24-----	10.25
6.50/7.00-17-----	7.15
6.50/7.00-18-----	7.15
7.50-15-----	7.05
7.50-16-----	7.20
7.50-17-----	7.50
7.50-18 (32 x 7)-----	7.75
7.50-20 (34 x 7)-----	11.55
7.50-24 (38 x 7)-----	12.45
7.00/7.50-17-----	8.55
8.25-16-----	8.30
8.25-18-----	11.60
8.25-20-----	12.25
8.25-22-----	13.45
8.25-24 (40 x 8)-----	14.45
9.00-18-----	14.00
9.00-20 (36 x 8)-----	14.25
9.00-22-----	15.50
9.00-24 (40 x 8)-----	16.70
9.75-20-----	14.60
9.75-22-----	15.50

TABLE III-B—Maximum prices for used special purpose tubes—Continued

Tire size	Maximum prices
9.75-24-----	\$16.70
9.75/10.00-20 (38 x 9)-----	14.60
9.75/10.00-22-----	15.50
9.75/10.00-24 (42 x 9)-----	16.70
10.50-20-----	16.30
10.50-22-----	17.40
10.50-24-----	18.10
10.50/11.00-18-----	15.45
10.50/11.00-20 (40 x 10)-----	16.40
10.50/11.00-22-----	17.50
10.50/11.00-24 (44 x 10)-----	18.20
11.25-24-----	18.50
11.25/12.00-18-----	17.00
11.25/12.00-24-----	19.00
12.00-24-----	20.00
12.75-24-----	21.75
13.00-24-----	23.00
12.75/13.00-24-----	23.00

§ 1315.1359a Effective dates of amendments.

(c) Amendment No. 3 (§§ 1315.1354 (a), 1315.1356 (a), 1315.1356a, 1315.1358 (a) (13), 1315.1360 (a), 1315.1361) to Maximum Price Regulation No. 107 shall become effective July 11, 1942.

(Public Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6417; Filed, July 6, 1942; 5:18 p. m.]

#### PART 1335—CHEMICALS

[Amendment 2 to Revised Price Schedule 38<sup>1</sup>]

##### GLYCERINE

##### EXCESS FREIGHT ON CRUDE GLYCERINE AND RETURNABLE DRUMS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Paragraph (c) of § 1335.410 is amended to read as set forth below:

§ 1335.410 Appendix A: Maximum prices for glycerine.

(c) Excess freight on crude glycerine and returnable drums. Where the transportation charge on a shipment of crude glycerine from point of manufacture to point of refining exceeds the transportation charge which would be applicable on the same shipment from the same point of manufacture by the same mode of transportation to another point of refining, the amount of such excess may be added to the delivered prices set forth in paragraph (b) above. Where a shipment of crude glycerine is made from a point of manufacture in returnable drums to a more distant point of refining as above, there may also be added to the delivered prices set forth in paragraph (b) above the amount by which the transportation charge for returning such drums exceeds the transportation charge which would be applicable on the return of the same drums from the nearest point of refining to the point of manufacture

<sup>1</sup> 7 F.R. 1277, 1836, 2000, 2132, 2997.

by the same mode of transportation. Such excess charges shall be shown as separate items in all records and invoices.

§ 1335.409a Effective dates of amendments.

(b) Amendment No. 2 (§ 1335.410 (c)) to Revised Price Schedule No. 38 shall become effective July 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6408; Filed, July 6, 1942; 5:21 p. m.]

#### PART 1348—MERCURY

[Amendment 1 to Revised Price Schedule 93<sup>1</sup>]

##### MERCURY

##### MISCELLANEOUS AMENDMENTS

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith, and has been filed with the Division of the Federal Register.

Sections 1348.7 and 1348.9 are hereby amended to read as set forth below and a new § 1348.8a is added:

§ 1348.7 Definitions. (a) When used in Revised Price Schedule No. 93, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Mercury" includes prime virgin mercury, redistilled mercury, reclaimed mercury, and all other kinds and grades of mercury.

(3) "Point of shipment" means the freight station of the railroad or other common carrier at which mercury is first delivered to such carrier for transportation directly to the buyer's receiving point. In the case of mercury shipped by water from outside the limits of the continental United States, "point of shipment" means the place within the limits of the continental United States where the material is loaded on a conveyance for transportation directly to the buyer's receiving point. In the case of mercury brought into the continental United States by overland shipment from Mexico, "point of shipment" means the freight station in the continental United States at or nearest the point on the boundary between the United States and Mexico at which the shipment enters the United States.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

<sup>1</sup> 7 F.R. 1380, 1836, 2132.

**§ 1348.9 Appendix A: Maximum prices for mercury—(a) Maximum base prices.**

(1) The maximum base price for mercury produced in California, Oregon, Washington, Idaho, Utah, Nevada, or Arizona shall be \$191.00 per 76-pound flask, f. o. b. point of shipment.

(2) The maximum base price for mercury produced outside the continental United States and Mexico, and entering the United States through Pacific Coast ports of entry shall be \$191.00 per 76-pound flask, f. o. b. point of shipment.

(3) The maximum base price for mercury produced in Texas and Arkansas shall be \$193.00 per 76-pound flask, f. o. b. point of shipment.

(4) The maximum base for mercury imported from Mexico shall be \$193.00 per 76-pound flask, f. o. b. point of shipment, duty, if any, included.

(b) A dealer, regularly engaged in the business of buying and selling mercury on his own behalf, may sell such mercury as he buys and to which he acquires title, at not more than a price equal to the applicable maximum base price set forth above, plus a premium of 2% thereof, plus the actual transportation charges from the point of shipment paid or incurred by him: *Provided*, That the applicable maximum base price, the premium, and the transportation charges shall be shown separately in invoicing and billing.

(c) Commissions for brokers and agents. In the event that a consumer of mercury shall use or employ a broker or agent to purchase such mercury for the consumer's use, the consumer may pay for such mercury a sum not exceeding the applicable maximum base price set forth above, plus a commission of not more than 1% of such maximum price. The commission shall be payable only if (1) the commission is shown as a separate charge in invoicing and billing, and (2) the agent or broker does not split or divide the commission allowed him by a consumer with the seller or sellers of the mercury.

(d) The maximum prices hereinabove established are for every kind and grade of mercury sold in 76-pound flasks. These maximum prices apply pro rata to mercury sold in containers of more than 25 pounds capacity. All kinds and grades of mercury sold in containers of 25 pounds capacity or less shall be sold and bought for not more than the normal differentials from such maximum prices prevailing between October 1, and October 15, 1941.

**§ 1348.8a Effective dates of amendments.** (a) Amendment No. 1 (§§ 1348.7, 1348.8a and 1348.9) to Revised Price Schedule No. 93 shall become effective July 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6410; Filed, July 6, 1942; 5:22 p. m.]

[Order 2—Maximum Price Regulation 148<sup>1</sup>]

**PART 1364—FRESH, SMOKED AND CANNED MEAT PRODUCTS**

DRESSED HOGS AND WHOLESALE PORK CUTS  
DIRECTING SELLERS OF WHOLESALE PORK CUTS  
TO FILE REPORTS

An opinion setting forth the grounds upon which this Order is based has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1<sup>2</sup> and § 1364.27 (b) of Maximum Price Regulation No. 148, it is hereby ordered that:

**§ 1364.50 Directing sellers of wholesale pork cuts to file reports.** (a) Not later than July 15, 1942, every person making sales subject to Maximum Price Regulation No. 148 shall file with the Office of Price Administration in Washington, D. C., a List (or Lists) of Ceiling Prices. Schedule A of each List of Ceiling Prices shall set forth the seller's maximum prices for all wholesale pork cuts which the seller sold or delivered, or agreed, offered, solicited or attempted to sell or deliver or listed in the price list or lists upon the basis of which the seller made sales or deliveries, during the period February 16, 1942 to February 20, 1942, inclusive, and as to which the seller's maximum prices are governed by paragraphs (a), (b), (c), (d) and (f) of § 1364.22. Schedule B of each List of Ceiling Prices shall set forth the seller's maximum prices for all other wholesale pork cuts which the seller sold or delivered, or agreed, offered, solicited or attempted to sell or deliver or listed in the price lists upon the basis of which the seller made sales or deliveries during the one year period preceding February 15, 1942, and as to which the seller's maximum prices are governed by paragraphs (e), (f) and (g) of § 1364.22. The maximum price for every separate wholesale pork cut, as defined in § 1364.32, shall be distinctly and separately stated. A List of Ceiling Prices shall be filed by each seller for each branch house and each car route or truck route as to which, during the ninety day period prior to March 9, 1942, the seller had, or as to which the seller currently has separate price lists or separate charges for wholesale pork cuts. Every List of Ceiling Prices shall specify all cities and localities to which it is applicable and shall include a statement of the allowances for transportation differentials between each such point, which differentials may be stated on a mileage basis if the point of origin of the shipment is indicated: *Provided*, That allowances for transportation differentials need not be set forth if a separate List of Ceiling Prices is furnished for each city and locality supplied by the seller. Each List of Ceiling

Prices shall be prepared by or for the person filing it in such a way as to set forth the information called for by this order in a compact, comprehensive, and orderly manner and shall be accompanied by a sworn statement, certifying that each List of Ceiling Prices submitted is true and correct, duly executed before a notary public or other officer authorized by law to administer oaths.

(b) This Order No. 2 (§ 1364.50) may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein. (Pub. Law 421, 77th Cong.)

This Order No. 2 shall become effective July 6, 1942. Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6396; Filed, July 6, 1942; 5:17 p. m.]

**PART 1372—SEASONAL COMMODITIES**

[Amendment 2 to Maximum Price Regulation No. 142<sup>1</sup>]

**RETAIL PRICES FOR SUMMER SEASONAL COMMODITIES**

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new sentence is added at the end of § 1372.2 (a), and a new subparagraph (8) is added to § 1372.7 (a) as set forth below:

**§ 1372.2 Maximum prices for sales of seasonal commodities at retail.** (a) \* \* \* No maximum price for a garment of men's and boys' summer seasonal tailored clothing determined as provided by this section shall exceed the highest price at which the seller offered a garment of the same classification (as defined in § 1372.7 (8)) for delivery prior to July 11, 1942.

**§ 1372.7 Definitions.** (a) \* \* \*

(8) "Classification," as applied to men's and boys' summer seasonal tailored clothing, means a class of garments within which uniform prices are customarily charged for equivalent workmanship and quality of material, such as "men's suits" and "students' suits."

**§ 1372.8a Effective dates of amendments.** \* \* \*

(b) Amendment No. 2 (§§ 1372.2 (a) and 1372.7 (a) (8)) to Maximum Price Regulation No. 142 shall become effective July 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6404; Filed, July 6, 1942; 5:19 p. m.]

<sup>1</sup> 7 F.R. 3553, 3720.

<sup>1</sup> 7 F.R. 3821, 4342.

<sup>2</sup> 7 F.R. 971.

**PART 1378—COMMODITIES OF MILITARY SPECIFICATIONS FOR WAR PROCUREMENT AGENCIES**

[Amendment No. 3 to Maximum Price Regulation No. 157<sup>1</sup>]

**SALES AND FABRICATION OF TEXTILES, APPAREL AND RELATED ARTICLES FOR MILITARY PURPOSES**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new § 1378.4a is added to read as set forth below:

§ 1378.4a *Exceptions.* Maximum Price Regulation No. 157 shall not apply to sales or deliveries of any textiles, apparel, or related articles to any war procurement agency of the United States Government pursuant to emergency purchases made by such war procurement agency for immediate delivery: *Provided*, That the person making such emergency purchases on behalf of the war procurement agency of the United States Government files a report with the Office of Price Administration, Washington, D. C., within 5 days after a purchase is made, certifying that it was made in a situation in which it was imperative to secure the article immediately and in which it was impossible to secure, or unfair to require, immediate delivery at the applicable maximum price, and setting forth (1) the name and address of the seller, (2) date of purchase, (3) date of delivery, (4) description of article purchased, (5) quantity purchased, (6) price at which purchased, and (7) a brief statement of the facts giving rise to the emergency situation which necessitated the purchase at a price higher than the applicable maximum price.

§ 1378.12 *Effective dates of amendments.* \* \* \*

(c) Amendment No. 3 (§ 1378.4a) to Maximum Price Regulation No. 157 shall become effective July 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6399; Filed, July 6, 1942; 5:18 p. m.]

**PART 1381—SOFTWOOD LUMBER**

[Amendment 1 to Maximum Price Regulation 26<sup>2</sup>]

**DOUGLAS FIR AND OTHER WEST COAST LUMBER**

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

In § 1381.62, item (12) following the table of maximum prices entitled "No. 1 Dimension, Green, Rough, or S4S, A. L. S." in paragraph (a), item (1) (ii) following table entitled "General Notes"

in paragraph (a), and the table of weights in paragraph (d) (3) are amended to read as set forth below, and a new § 1381.61a is added:

§ 1381.62 *Appendix A: Maximum prices for Douglas fir, and other West Coast lumber where the shipment originates at the mill.* (a) The maximum prices for Douglas fir lumber f. o. b. mill per one thousand feet board measure where shipment originates at the mill, shall be as follows:

NO. 1 DIMENSION, GREEN, ROUGH, OR S4S, A. L. S.

(12) For paragraph 215 or 217, 1200F (Bending Stress), add \$2.00 per M.

**GENERAL NOTES**

[Applies to entire Appendix]

(i) \* \* \*  
(ii) Close grain, paragraph 301, add \$2.00 per M; Dense, paragraph 302, add \$5.00 per M.

(d) \* \* \*  
(3) The use of the following estimated weights (even though higher than the actual weights) per one thousand feet board measure.

FIR, DIMENSION, PLANK, AND SMALL TIMBERS  
[Weight per M. B. M.]

S4S standard dry	S4S standard green	CM and S1S or S2S standard	
		Dry	Green
* * *	* * *	* * *	* * *

§ 1381.61a. *Effective dates of amendments.* (a) Amendment No. 1 (§ 1381.62 (a)) shall become effective July 11, 1942. (Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6405; Filed, July 6, 1942; 5:20 p. m.]

**PART 1384—HARDWOOD LUMBER PRODUCTS**

[Maximum Price Regulation 176]

**ROTARY CUT SOUTHERN HARDWOOD BOX LUMBER**

In the judgment of the Price Administrator, the prices of rotary cut southern hardwood box lumber have risen in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of rotary cut southern hardwood box lumber prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representa-

tive members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator, the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 176 is hereby issued.

AUTHORITY: §§ 1384.1 to 1384.13, inclusive, issued under Public Law 421, 77th Cong.

§ 1384.1 *Maximum prices for rotary cut southern hardwood box lumber.* On and after July 11, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver any rotary cut southern hardwood box lumber, and no person shall buy or receive in the course of trade or business any rotary cut southern hardwood box lumber, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1384.12; and no person subject to this Maximum Price Regulation No. 176 shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Maximum Price Regulation No. 176 shall not be applicable to a shipment pursuant to an order of less than 5,000 board feet of rotary cut hardwood box lumber. Further, the provisions of this Maximum Price Regulation No. 176 shall not be applicable to sales or deliveries of rotary cut southern hardwood box lumber to a purchaser, if prior to July 11, 1942, such lumber has been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1384.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A, § 1384.12, may be charged, demanded, paid, or offered.

§ 1384.3 *Conditional agreements.* No seller subject to this Maximum Price Regulation No. 176 shall enter into an agreement permitting the adjustment of the price of rotary cut southern hardwood box lumber to prices which may be higher than the maximum prices in effect on the date of the agreement: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be made in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

<sup>1</sup> 7 F.R. 971.

<sup>1</sup> 7 F.R. 4273, 4541, 4618.

<sup>2</sup> 7 F.R. 4573, 4701.

§ 1384.4 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 176 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to rotary cut southern hardwood box lumber, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1384.5 *Records and reports.* (a) Every seller and purchaser subject to this Maximum Price Regulation No. 176 making sales or deliveries or purchases of rotary cut southern hardwood box lumber to the value of \$500.00 or more in any one month after July 10, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years a complete and accurate record of each sale or delivery or purchase of rotary cut southern hardwood box lumber, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities and sizes of such lumber purchased or sold, and the price paid or received.

(b) Every manufacturer of rotary cut southern hardwood box lumber required by paragraph (a) of this section to keep records of sales shall preserve for inspection by the Office of Price Administration for a period of not less than two years all records available on July 11, 1942, of sales of rotary cut southern hardwood lumber made by the manufacturer during October 1941. The records should include the thickness and length of rotary cut lumber sold, and, in the case of rotary cut lumber which was cut into a box-part finished size by means of a saw or comparable cutting device, the dimension specifications. In the event that a manufacturer does not have such records available on July 11, 1942, the manufacturer should notify the Office of Price Administration on or before August 1, 1942.

(c) Every person required by paragraph (a) of this section to keep records shall keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1384.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 176 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 176 or any Price Schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest Field, State or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1384.7 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 176 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1384.8 *Definitions.* (a) When used in Maximum Price Regulation No. 176 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized groups of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of the foregoing.

(2) "Cottonwood" means the botanical species included in the genera of *Populus*.

(3) "Rotary cut southern hardwood box lumber" means southern hardwood lumber.

(i) Cut on a rotary cutting machine (lathe);

(ii) Cut at a mill located in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Missouri, Tennessee, or Kentucky;

(iii) Conforming to the grading rules set forth in § 1384.13, Appendix B, hereof, except that cut backs and cut downs in excess of the proportions set forth in paragraph (e) (1) of § 1384.13, Appendix B, shall be considered rotary cut box grade lumber; and

(iv) Which either has or has not been cut into box-part finished sizes by means of a saw or comparable cutting device.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1384.9 *Applicability of General Maximum Price Regulation.* The provisions of the General Maximum Price Regulation\* shall not, on and after July 11, 1942, apply to sales and deliveries of rotary cut southern hardwood box lumber which are subject to this Maximum Price Regulation No. 176.

§ 1384.10 *Export sales.* The maximum price at which a seller may make an export sale of rotary cut southern hardwood box lumber, shall be determined in accordance with the provisions of the Maximum Export Price Regulation\* issued by the Office of Price Administration.

§ 1384.11 *Effective date.* This Maximum Price Regulation No. 176 (§§ 1384.1 to 1384.13, inclusive) shall become effective July 11, 1942.

§ 1384.12 *Appendix A: Maximum prices for rotary cut southern hardwood box lumber.* (a) The maximum f. o. b. mill price for 1,000 board feet of rotary cut southern hardwood box lumber which is not cut into box-part finished

sizes by means of a saw or comparable cutting device and which does not contain a higher proportion of cut downs and cut backs than set forth in paragraph (e) (1) of § 1384.13, Appendix B, shall be as follows:

Thickness (inches)	Length	
	Less than 62 inches	62 inches or over
1/4	\$51	\$53.55
3/4	51	53.55
1 1/4	50	52.50
1 3/4	50	52.50
2 1/4	49	51.45
2 3/4	49	51.45

For cottonwood, add \$3.00 per 1,000 board feet.

(b) The maximum f. o. b. mill price for 1,000 board feet of cut downs and cut backs of rotary cut southern hardwood box lumber in excess of the proportions of cut downs and cut backs set forth in paragraph (e) (1) of § 1384.13, Appendix B, shall be two-thirds of the maximum price established in paragraph (a) of this section.

(c) The maximum f. o. b. mill price for 1,000 board feet of rotary cut southern hardwood box lumber which satisfies the accepted grade requirements for rotary cut egg case lumber, which is cut on a saw or comparable cutting device into standard egg case finished sizes (for cases with a capacity of 30 dozen eggs), and which is shipped to a purchaser direct from the producing mill, shall be the maximum prices established in paragraph (a) of this section plus \$8.00. The maximum price established in this paragraph shall not be applicable to rotary cut egg case lumber where shipment to the purchaser originates from a place other than the producing mill; however, the maximum price shall apply to rotary cut egg case lumber which is shipped to the purchaser direct from the producing mill regardless of whether the seller is the mill operator or another person and regardless of whether the shipment is temporarily halted in transit in order to load the carrier with additional products.

(d) The maximum f. o. b. mill price for 1,000 board feet of rotary cut southern hardwood box lumber, other than lumber in standard egg case finished sizes (for cases with a capacity of 30 dozen eggs), which is cut into a particular box-part finished size by means of a saw or comparable cutting device shall be the price established in paragraph (a) of this section for rotary cut lumber in the length and thickness ordered by the purchaser, plus a differential consisting of the difference between the price charged by the producing mill during the period October 1 to 15, 1941 (1) for rotary cut lumber in that length and thickness not cut into box-part finished sizes by means of a saw or comparable cutting device, and (2) for rotary cut lumber of the same length and thickness cut by means of a saw or comparable cutting device into box-parts of the particular finished dimensions for which a maximum price is being computed. In case the producing mill cannot compute such a differential, the mill should determine and apply

\* 7 F.R. 3153, 3330, 3666.

\* 7 F.R. 3096, 3824, 4294.

the corresponding differential recognized during October 1 to 15, 1941 by the most closely competitive seller of the same class. The maximum price established by this paragraph for rotary cut lumber cut at a particular mill to box-part finished sizes by means of a saw or comparable cutting device shall apply to such lumber produced at that mill regardless of whether the lumber is sold by the mill operator or another person.

(e) A delivered price in excess of the maximum f. o. b. mill prices established in paragraphs (a), (b), (c) and (d) of this section may be charged, consisting of such maximum price plus actual transportation costs paid or incurred by the seller in delivering rotary cut lumber to the purchaser; such actual transportation costs must be shown as a separate item in the invoice or billing.

(f) The maximum prices established in this section shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the sale price would have been decreased on October 1, 1941.

§ 1384.13 *Appendix B: Grading rules for rotary cut southern hardwood box lumber.* (a) All stock shall be sound (corky tupelo considered unsound), free from rot, or dote. A reasonable amount of pin wormholes, sound tight knots not exceeding three inches in diameter measuring the small way, shall be no defect. A reasonable discoloration or stain shall be no defect.

(b) All stock shall be machine cut to the specified thickness ordered, standard gears as furnished by the lathe manufacturer to be used.

(c) All stock shall be cut tight, and when shipped shall not contain more than 15% moisture content. Said percentage is to be arrived at by test of an equal number of sap and heart pieces. Stock shall be sufficiently flat to straighten under machines, without splitting.

(d) A trimming allowance of  $\frac{1}{2}$ " in width and 1" in length, shall be allowed on all lengths 30" and over, one-half inch in length, and one-half inch in width on stock less than 30" long. Cut downs, whether sized before or after drying, shall carry  $\frac{1}{2}$ " allowance in width.

(e) (1) All cut downs in widths that accumulate in cutting out defects and rounding logs are to be accepted provided that they do not exceed the percentages in the following schedule:

Prime width ordered	Less than 62 inches in length	62 inches and over in length
	Percent of total footage in car	Percent of total footage in car
8" and under	10	15
8½" to 10"	15	20
10½" to 12"	20	25
12½" to 14"	22½	27½
14½" to 16"	25	30
16½" to 18"	27½	32½
18½" to 20"	30	35
20½" and over		

<sup>1</sup> To be figured in proportion.

(2) All cut downs in widths shall run in multiples of 2", the narrowest width allowed to be 4"; however, no shipment shall contain more than 20% of the cut downs in 4" widths.

(3) Cut backs are allowable when cut to the following lengths, provided they are under the prime length of the order: 54", 48", 42", 36", 32" and 27".

(4) Cut backs, except half lengths of 54" and longer, by full width of order, are to be considered cut downs. It is agreed and understood that 27" is to be the official half length on stock 48" to 54" long. Cut backs which are considered as cut downs, must not exceed 5% of total footage in car.

(f) Checks or splits not longer than one-fourth the length of the piece are not considered defects provided the checks or splits are reasonably straight, do not diverge more than 1" per foot, and do not run over  $\frac{1}{4}$ " in width and in all widths.

(g) Specifications on all sizes, both width and length, shall not be specified in fractions of less than  $\frac{1}{2}$ ", except by special arrangement between the seller and the buyer.

(h) Each size is to be bundled separately and to be marked. Each bundle is to contain a uniform number of pieces. Twenty-five pieces of  $\frac{3}{4}$ " or  $\frac{7}{32}$ ", 30 pieces of  $\frac{3}{16}$ ", 35 pieces of  $\frac{1}{4}$ ", 40 pieces of  $\frac{1}{8}$ ", and 50 pieces of  $\frac{1}{16}$ " are to be the standard number of pieces to each bundle.

Issued this 6th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6403; Filed, July 6, 1942;  
5:19 p. m.]

#### PART 1389—APPAREL

[Maximum Price Regulation 177]

##### MEN'S AND BOYS' TAILORED CLOTHING

In the judgment of the Price Administrator it is necessary and proper to establish prices for men's and boys' tailored clothing which differ in some respects from the maximum prices established by the General Maximum Price Regulation.<sup>1</sup> The prices established by the following Regulation, in the judgment of the Price Administrator, are fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the said Act, and in accordance with Procedural Regulation No. 1<sup>2</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 177 is hereby issued.

Sec.

1389.101 Prohibition against dealing in men's and boys' tailored clothing above maximum prices.

<sup>1</sup> 7 F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4639, 4738.

<sup>2</sup> 7 F. R. 971, 8663.

Sec.

1389.102 Categories of men's and boys' tailored clothing.

1389.103 Maximum prices for sales at retail of ready-made garments.

1389.104 Maximum prices for sales of ready-made garments otherwise than at retail.

1389.105 Maximum prices for all sales of men's and boys' tailored clothing "made to measure" and "tailored to the trade."

1389.106 Maximum prices for garments which cannot be priced under preceding sections.

1389.107 Provisions applicable to particular models of garments.

1389.108 Scope and application of this regulation.

1389.109 Evasion.

1389.110 Transfers of business or stock in trade.

1389.111 Federal and State taxes.

1389.112 Less than maximum prices.

1389.113 Registration and licensing.

1389.114 Records of sellers of ready-made garments at retail.

1389.115 Records of sellers of ready-made garments otherwise than at retail, and of all manufacturers.

1389.116 Records of sellers of "tailored to the trade" and "made to measure" garments.

1389.117 Enforcement.

1389.118 Procedure for adjustment and amendment.

1389.119 Definitions.

1389.120 Effective date.

1389.121 Appendix A. Amounts to be added to base-period prices of ready-made garments other than outercoats sold otherwise than at retail.

1389.122 Appendix B. Amounts to be added to base-period prices of outercoats.

1389.123 Appendix C. Amounts to be added to base-period prices of "tailored to the trade" and "made to measure" garments.

AUTHORITY: §§ 1389.101 to 1389.123 inclusive issued under the authority contained in Pub. Law 421, 77th Cong.

§ 1389.101 *Prohibition against dealing in men's and boys' tailored clothing above maximum prices.* On and after July 11, 1942, regardless of any contract or other obligation:

(a) No person shall sell or deliver men's and boys' tailored clothing (defined in § 1389.119) at prices higher than the maximum prices established by this Maximum Price Regulation No. 177.

(b) No person in the course of trade or business shall buy or receive men's and boys' tailored clothing at prices higher than the maximum prices established by this Maximum Price Regulation No. 177.

(c) No person shall agree, offer, solicit or attempt to do any of the acts set forth in paragraphs (a) and (b).

The provisions of this section shall not be applicable to sales or deliveries of men's and boys' tailored clothing to a purchaser if, prior to July 11, 1942, such merchandise had been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1389.102 *Categories of men's and boys' tailored clothing.*—(a) *Classifications of garments.* For the purposes of this Maximum Price Regulation No. 177,

garments shall be considered within the same classification if they are of the same type, are styled for the same age group, and are made of fabrics of the same weight class. For the purpose of making such determination:

- (1) Types of garments shall be:
  - (i) Suits with short pants,
  - (ii) Suits with knicker or golf pants,
  - (iii) Suits with long pants,
  - (iv) Separate sport and sack coats,
  - (v) Short pants,
  - (vi) Knicker or golf pants,
  - (vii) Long pants,
  - (viii) Separate vests,
  - (ix) Top coats (defined in § 1389.119) and
  - (x) Over coats (defined in § 1389.119).

(2) Styles for age groups shall be the styles commonly known as:

- (i) Juvenile or junior, sizes 2 to 12, inclusive,
- (ii) Knicker, sizes 6 to 16, inclusive,
- (iii) Cadet, sizes 10 to 18, inclusive,
- (iv) Prep, sizes 14 to 22, inclusive,
- (v) Student, sizes 32 to 40 inclusive, and
- (vi) Men's and young men's, normally graded from size 36.

(3) Fabric weight classes shall be (except for top coats and overcoats):

- (i) Tropical weight (defined in § 1389.119) and
- (ii) Not tropical weight.

(b) *Similar garments.* One garment shall be considered similar to another garment if the first is in the same classification as the second, has the same use, is made with equivalent workmanship, and contains materials and trimmings which are of the same type and quality and would ordinarily sell at substantially the same price. In determining similarity, differences merely in design, and differences owing to compliance with War Production Board Conservation Order No. M 73A<sup>2</sup> of March 2, 1942 (§ 1055.2), shall be disregarded except that a one-pant suit shall not be considered similar to a two-pant suit.

§ 1389.103 *Maximum prices for sales at retail of ready-made garments.* Except as otherwise provided in this Maximum Price Regulation No. 177 the seller's maximum prices for sales at retail of men's and boys' ready-made tailored clothing shall be:

(a) *For garments other than outer coats—(1) In those cases in which the seller dealt in the same or similar garments during March 1942.* The highest price charged by the seller during such month—(i) for the same garment, or (ii) if no charge was made for the same garment, for the similar garment most nearly like it; or

(2) *In those cases in which the seller did not deal in the same or similar garments during March 1942.* The highest price charged during such month by the most closely competitive seller of the same class—(i) for the same garment, or (ii) if no charge was made for the same garment, for the similar garment most nearly like it; or

(3) *In those cases in which neither the seller nor any closely competitive seller of the same class dealt in the same or similar garments during March 1942.* A maximum price in line with the level of maximum prices established by this Maximum Price Regulation No. 177, determined by:

(i) Selecting from the same classification and price range the garment, priced under paragraph (a) (1) or (a) (2) of this section, of which the seller delivered the largest number during March 1942,

(ii) Dividing the maximum price for that garment by the replacement cost of that garment, and (iii) Multiplying the percentage so obtained by the replacement cost of the garment being priced under this subparagraph (3);

*Except:* That no maximum price determined pursuant to paragraph (a) of this section shall exceed the highest price charged by the seller during March 1942 for a garment of the same classification.

(b) *For outer coats—(1) In those cases in which the seller dealt in the same or similar garments during September, October or November 1941.* The highest price charged by the seller during such months—(i) for the same garment, or (ii) if no charge was made for the same garment, for the similar garment most nearly like it, plus, in each case, the amount indicated by the table in Appendix B (§ 1389.122);

(2) *In those cases in which the seller did not deal in the same or similar garments during September, October or November 1941.* The highest price charged during such months by the most closely competitive seller of the same class—(i) for the same garment, or (ii) if no charge was made for the same garment, for the similar garment most nearly like it, plus, in each case, the amount indicated by the table in Appendix B (§ 1389.122);

(3) *In those cases in which neither the seller nor any closely competitive seller of the same class dealt in the same or similar garments during September, October and November 1941.* A maximum price in line with the level of maximum prices established by this Maximum Price Regulation No. 177, determined by:

(i) Selecting from the same classification and price range that garment, priced under paragraph (b) (1) or (b) (2) of this section, of which the seller delivered the largest number of units during September, October and November 1941,

(ii) Dividing the maximum price of that garment by the replacement cost of that garment, and

(iii) Multiplying the percentage so obtained by the replacement cost of the garment being priced under this subparagraph (3);

*Except:* That no maximum price determined pursuant to this paragraph (b) shall exceed the sum of the highest price charged by the seller during September, October and November 1941, for a garment of the same classification, plus the amount indicated by the table in Appendix B (§ 1389.122).

§ 1389.104 *Maximum prices for sales of ready-made garments otherwise than at retail.* Except as otherwise provided

in this Maximum Price Regulation No. 177, the seller's maximum prices for sales of men's and boys' ready-made tailored clothing, otherwise than at retail, shall be:

(a) *For garments other than outer coats—(1) In those cases in which the seller booked the same or similar garments during July, August, September, October and November 1941.* The price at which the seller during such months booked the largest number of units of—(i) the same garment, or (ii) if the same garment was not booked, the similar garment most nearly like it; plus in each case the amount indicated by the table in Appendix A (§ 1389.121);

(2) *In those cases in which the seller did not book the same or similar garments during July, August, September, October and November 1941.* The current cost of the garment being priced plus the seller's normal percentage margin on garments of the same classification, calculated by:

(i) Determining the prices at which the largest number of units of each group of similar garments in the classification were booked during such months,

(ii) Computing the total dollar sales of garments sold at such prices,

(iii) Subtracting the total cost of garments so booked, and

(iv) Dividing the remainder by such total dollar sales;

*Except:* That no maximum price determined pursuant to paragraph (a) of this section shall exceed the sum of the highest price determined pursuant to paragraph (a) (2) (i) of this section, plus the amount indicated by the table in Appendix A (§ 1389.121);

(b) *For outer coats—(1) In those cases in which the seller delivered the same or similar garments during July, August, September, October and November 1941.* The price at which the seller delivered during such months the largest number of units of—(i) the same garment, or (ii) if the same garment was not delivered, the similar garment most nearly like it, plus in each case the amount indicated by the table in Appendix B (§ 1389.122);

(2) *In those cases in which the seller did not deliver the same or similar garments during July, August, September, October and November 1941.* The current cost of the garment being priced plus the seller's normal percentage margin on garments of the same classification, calculated by:

(i) Determining the prices at which the largest number of units of each group of similar garments in the classification were delivered during such months,

(ii) Computing the total dollar sales of garments delivered at such prices,

(iii) Subtracting the total cost of garments so delivered, and

(iv) Dividing the remainder by such total dollar sales;

*Except:* That no maximum price determined pursuant to paragraph (b) of this section shall exceed the sum of the highest price determined pursuant to paragraph (b) (2) (i) of this section, plus the amount indicated by the table in Appendix B (§ 1389.122).

<sup>2</sup> 7 F. R. 1670

§ 1389.105 *Maximum prices for all sales of men's and boys' tailored clothing "made to measure" and "tailored to the trade."* Except as otherwise provided in this Maximum Price Regulation No. 177, the seller's maximum prices for all sales of men's and boys' tailored clothing in the courses of business known as "made to measure" and "tailored to the trade" shall be:

(a) *For garments other than outer coats—*(1) *In those cases in which the seller offered to sell the same or similar garments during January and February 1942.* The highest price at which the seller during such months offered—(i) the same garment, or (ii) if the same garment was not offered, the similar garment most nearly like it; plus in each case the amount indicated by the table in Appendix C (§ 1389.123);

(2) *In those cases in which the seller did not offer to sell the same or similar garments during January and February 1942.* The current cost of the garment being priced plus the seller's average percentage margin on garments of the same classification, calculated by:

(i) Computing the total dollar sales of garments in the classification booked during October, November and December 1941;

(ii) Subtracting the total cost of garments so booked, and

(iii) Dividing the remainder by such total dollar sales;

*Except:* That no maximum price determined pursuant to paragraph (a) of this section shall exceed the highest price at which the seller during January or February 1942 first offered a garment of the same classification, plus the amount indicated by the table in Appendix C (§ 1389.123).

(b) *For outer coats—*(1) *In those cases in which the seller offered to sell the same or similar garments during September and October 1941.* The highest price for which the seller during such months offered—(i) the same garment, or (ii) if the same garment was not offered, the similar garment most nearly like it; plus in each case the amount indicated by the table in Appendix C (§ 1389.123);

(2) *In those cases in which the seller did not deal in the same or similar garments during September and October 1941.* The current cost of the garment being priced plus the seller's average percentage margin on garments of the same classification, determined by:

(i) Computing the total dollar sales of garments in the classification booked during October, November and December 1941,

(ii) Subtracting the total cost of garments so booked, and

(iii) Dividing the remainder by such total dollar sales;

*Except:* That no maximum price determined pursuant to paragraph (b) of this section shall exceed the highest price at which the seller during September and October 1941 offered a garment of the same classification, plus the amount in-

dicated by the table in Appendix C (§ 1389.123).

§ 1389.106 *Maximum prices for garments which cannot be priced under preceding sections.* In those cases in which the maximum price of a garment cannot be determined by the terms of §§ 1389.103, 1389.104 and 1389.105, the maximum price shall be a price determined by the seller pursuant to specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this section shall file with the Office of Price Administration in Washington, D. C., an application setting forth:

(a) A description in detail of the garment for which a maximum price is sought; and

(b) A statement of the facts which differentiate such garment from garments priced under §§ 1389.103, 1389.104 and 1389.105; and shall furnish such further relevant information as may be required by the Office of Price Administration.

§ 1389.107 *Provisions applicable to particular models of garments—*(a) *Maximum prices for one-pant suits where seller dealt in two-pant suits during the base period.* In those cases in which the seller during the applicable base period dealt in, booked or offered (whichever shall be the basis of the maximum price) a two-pant suit which was otherwise the same as, or similar to, a one-pant suit to be priced under this Maximum Price Regulation No. 177, the figure to be used as the price charged for, or at which the seller booked or offered, the same or a similar suit shall be:

(1) *For sales at retail.* (i) Eighty-five percent of the price applicable to the two-pant suit which was otherwise the same, or if no such charge was made, for the otherwise similar two-pant suit most nearly like it, or (ii) the price applicable to the same one-pant suit, or if no such charge was made, for the similar one-pant suit most nearly like it, whichever is the lower;

(2) *For sales other than at retail.* (i) Eighty-three percent of the price applicable to the two-pant suit which was otherwise the same, or if no such charge was made, for the otherwise similar two-pant suit most nearly like it, or (ii) the price applicable to the same one-pant suit, or if no such charge was made, for the similar one-pant suit most nearly like it, whichever is the lower.

(b) *Specially manufactured garments.* The seller's maximum price for a garment of unusual measurements, commonly known as a special model or special order garment, or for a garment which is manufactured with different trimmings or construction, or both, than a garment dealt in during the base period, but which is otherwise the same or similar, shall be the maximum price of a garment which is otherwise the same, or if no such price can be determined, the maximum price of a garment which is otherwise similar, plus or minus a differential which is:

(1) In line with differentials which were customarily made by the seller during the base period, or

(2) If no such differentials were made, in line with differentials which were customarily demanded or offered by the seller during the base period.

§ 1389.108 *Scope and application of this regulation—*(a) *Relation to General Maximum Price Regulation.*<sup>1</sup> This Maximum Price Regulation No. 177 shall apply, and the General Maximum Price Regulation shall not apply, to sales or deliveries for which maximum prices are established by this Maximum Price Regulation No. 177.

(b) *Relation to Maximum Price Regulation No. 142.*<sup>2</sup> This Maximum Price Regulation No. 177 shall not apply, and Maximum Price Regulation No. 142—Retail Prices for Summer Seasonal Commodities—shall apply to sales and deliveries for which maximum prices are established by Maximum Price Regulation No. 142.

(c) *Relation to Maximum Price Regulation No. 157.*<sup>3</sup> This Maximum Price Regulation No. 177 shall not apply, and Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—shall apply to sales and deliveries for which maximum prices are established by Maximum Price Regulation No. 157.

(d) *Export sales.* The maximum price at which a person may export men's and boys' tailored clothing shall be determined in accordance with the provisions of the Maximum Export Price Regulation<sup>4</sup> issued by the Office of Price Administration.

§ 1389.109 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 177 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to men's and boys' tailored clothing, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) No seller shall use as a highest price charged for garments, or at which garments were booked, delivered or offered, during the applicable base period, a price which was applied only to sample or memorandum sales;

(2) No seller shall change the allowances, discounts, or other price differentials which he customarily made during the appropriate base period unless such change results in a lower net price.

§ 1389.110 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any seller of men's and boys' tailored clothing shall be or

<sup>1</sup> *Supra*, note 1.

<sup>2</sup> F. R. 3553, 3720.

<sup>3</sup> F. R. 4273, 4541, 4618.

<sup>4</sup> F. R. 3096, 3824, 4294, 4541.

shall have been transferred on or after April 28, 1942, and the transferee shall carry on the business, or continue to deal in such clothing, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which the transferor would have been subject if no such transfer had taken place, and his obligation to keep, make available, prepare and file records shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 177.

§ 1389.111 *Federal and State taxes.* Any tax upon, or incident to, the sale or delivery of men's and boys' tailored clothing, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such clothing and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during the applicable base period.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the applicable base period the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 177.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 177.

(b) *As to a tax or increase in a tax which becomes effective after the appropriate base period.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1389.112 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 177 may be charged, demanded, paid or offered.

§ 1389.113 *Registration and licensing.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation<sup>1</sup> are applicable to every person subject to this Maximum Price Regulation No. 177 selling men's and boys' tailored clothing at wholesale or at retail.

§ 1389.114 *Records of sellers of ready-made garments at retail—(a) Records to be kept.* Every person selling men's and boys' ready-made tailored clothing at retail shall keep and make available for examination by the Office of Price Administration:

(1) All his existing records relating to the prices which he charged for garments other than outer coats during March 1942;

(2) All his existing records relating to the prices which he charged for outer coats during September, October and November 1941; and

(3) Records of the kind he has customarily kept relating to the prices which he charges for men's and boys' ready-made tailored clothing on and after July 11, 1942.

(b) *Prices to be marked and posted.* On and after July 11, 1942 every person offering to sell men's and boys' ready-made tailored clothing at retail shall mark the maximum prices of such garments in a manner plainly visible to, and understandable by, the purchasing public. The maximum prices may be marked on the garments themselves or may be posted at the place in the establishment where the garments are offered for sale, and may be posted by price lines if the selling price of each garment is marked thereon. The maximum price shall be indicated in the form "Ceiling Price \$-----" or "Our Ceiling \$-----".

(c) *Statements to be prepared.* On or before August 1, 1942, every person selling men's and boys' ready-made tailored clothing at retail shall prepare, as fully as available information permits, and thereafter keep up to date and make available for examination by the Office of Price Administration, a statement showing:

(1) The highest prices which he charged for all garments other than outer coats during March 1942;

(2) The highest prices which he charged for outer coats during September, October and November 1941;

(3) The calculation by which he determines, on or after July 11, 1942, the maximum price of every garment which is not the same as—(i) a garment other than an outer coat delivered or offered for delivery in March 1942, or (ii) an outer coat delivered or offered for delivery in September, October and November 1941.

<sup>1</sup> *Supra*, note 1.

(d) *Lists to be filed.* On or before August 1, 1942, every person offering to sell men's and boys' tailored clothing at retail shall file with the appropriate War Price and Rationing Board a list showing the maximum price for each garment then offered for sale, with an appropriate identification of every such garment. Such list shall be kept up to date by filing on the tenth day of every succeeding month a supplemental list showing the maximum price and furnishing an appropriate identification of every garment offered for sale during the preceding month and not previously listed.

(e) *Sales slips and receipts.* Every seller at retail of men's and boys' tailored clothing who has customarily given purchasers sales slips or receipt shall continue to do so. Upon request from a purchaser, every such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the garment sold, and the price received for it.

§ 1389.115 *Records of sellers of ready-made garments otherwise than at retail, and of all manufacturers—(a) Records to be kept.* Every person selling men's and boys' ready-made tailored clothing otherwise than at retail shall keep and make available for examination by the Office of Price Administration:

(1) All his existing records relating to the prices at which he booked garments other than outer coats during the base period, and to the qualities and characteristics of such garments;

(2) All his existing records relative to the prices at which he delivered outer coats during the base period, and to the qualities and characteristics of such garments; and

(3) Records of the kind he has customarily kept relative to the prices at which he sells or offers to sell such clothing on or after July 11, 1942, and to the qualities and characteristics of such clothing.

(b) *Statements to be filed.* Every person selling men's and boys' ready-made tailored clothing otherwise than at retail and every person manufacturing such clothing, however sold, shall prepare and file with the Office of Price Administration, Washington, D. C., on or before September 1, 1942, a statement describing as hereinafter provided:

(1) All garments other than outer coats booked, or sold at retail by a manufacturer, during the base period applicable to such sales, and stating the price at which the largest number of units of each garment was booked or sold to each class of purchaser;

(2) All outer coats delivered during the applicable base period, and stating the price at which the largest number of units of each garment was delivered to each class of purchaser; and

(3) All garments sold or delivered on and after July 11, 1942, stating the maximum price of such garment for each class of purchaser, and showing the calculation by which the seller determined the maximum price.

Every such person shall file a supplemental statement on or before the tenth

day of every month after September 1, 1942, describing as hereinafter provided all garments offered for sale during the preceding month and not previously listed, stating the maximum price of each garment for each class of purchaser and showing the calculation by which the seller determined the maximum price. The description of each garment shall contain (i) the lot or style numbers of the garment, (ii) a description of the materials of which the garment is made, by mill of origin, by mill range or fabric type, by weight and by fiber content, (iii) a description of the lining materials used in the garment by type of fabric, by thread count and by fiber content, and (iv) a list of the operations performed in processing and assembling the garment, marked to indicate whether such operation is a hand operation ("H") or a machine operation ("M"); but sellers other than manufacturers may describe garments by reference to a list filed by the manufacturer of the same, stating the name of the manufacturer and the lot or style numbers of the garments.

(c) *Notification and disclosure to retailers.* (1) Every person delivering men's and boys' ready-made tailored clothing to a purchaser for sale at retail shall, within ten days of the first delivery to such purchaser made after July 10, 1942, supply such purchaser with the text of §§ 1389.102, 1389.103, 1389.106, 1389.107, 1389.118 (a), 1389.119 (a) (4), (6), (10), (11), (12) and (14), and 1389.122 (a); *Provided:* That if such first delivery is made prior to August 1, 1942, the text of such sections may be supplied within ten days of August 1, 1942.

(2) Every person selling or delivering men's and boys' ready-made tailored clothing otherwise than at retail shall within ten days after receipt of a written request from any person to whom such clothing shall have been sold, delivered or offered for sale on or after July 11, 1942, disclose in writing to such person the maximum price or prices established for sales of such clothing to such person by the seller under this Maximum Price Regulation No. 177.

§ 1389.116 *Records of sellers of "tailored to the trade" and "made to measure" garments.*—(a) *Records to be kept.* Every person selling men's and boys' "tailored to the trade" or "made to measure" tailored clothing shall keep and make available for examination by the Office of Price Administration:

(1) All his existing records relating to the prices at which he offered garments other than outer coats during January and February 1942, and to the qualities and characteristics of such garments;

(2) All his existing records relating to the prices at which he offered outer coats during September and October 1941, and to the qualities and characteristics of such garments; and

(3) Records of the kind he has customarily kept relating to the prices at which he sells or offers to sell such clothing on and after July 11, 1942, and to the qualities and characteristics of such clothing.

(b) *Prices to be listed and filed.* On and after August 1, 1942, every person offering to sell men's and boys' "tailored to the trade" or "made to measure" clothing at retail shall display to every customer a written list which shall plainly show with respect to every garment offered to such customer, the selling price at which the garment is offered, the maximum price of the garment, indicated in the form "Ceiling Price \$-----" or "Our Ceiling \$-----" and an appropriate identification of the garment so offered. A complete list containing the same information shall be filed by every such person with the appropriate War Price and Rationing Board on or before August 1, 1942, and shall be supplemented on or before the tenth day of every succeeding month by a similar list with respect to each garment offered for sale during the preceding month and not previously listed.

(c) *Statements to be filed by manufacturers.* Every manufacturer of men's and boys' "tailored to the trade" or "made to measure" clothing shall prepare and file with the Office of Price Administration, Washington, D. C., on or before September 1, 1942, a statement describing as hereinafter provided:

(1) All garments other than outer coats offered for sale during January and February 1942, and stating the highest price at which each garment was offered to each class of purchaser;

(2) All outer coats offered for sale during September and October 1941, and stating the highest price at which each garment was offered to each class of purchaser;

(3) All garments offered for sale on and after July 11, 1942, stating the maximum price of each garment for each class of purchaser, and showing the calculation by which the seller determined the maximum price.

Every such person shall file a supplemental statement on or before the tenth day of every month after September 1, 1942, describing as hereinafter provided all garments offered for sale during the preceding month and not previously listed, stating the maximum prices of each garment for each class of purchaser and showing the calculation by which the seller determined the maximum price. The description of each garment shall contain (i) the lot or style numbers of the garment, (ii) a description of the materials of which the garment is made, by mill of origin, by mill range or fabric type, by weight and by fiber content, (iii) a description of the lining materials used in the garment by type of fabric, by thread count and by fiber content, and (iv) a list of the operations performed in processing and assembling the garment, marked to indicate whether such operation is a hand operation ("H") or a machine operation ("M"); but sellers other than manufacturers may describe garments by reference to a list filed by the manufacturer of the same, stating the name of the manufacturer and the lot or style numbers of the garments.

(d) *Sales slips and receipts.* On and after 1942, every seller of men's and boys' "tailored to the trade" and "made to measure" clothing at retail shall give the purchaser a sales slip or receipt showing the date of delivery, the name and address of the seller, the garment sold and the price paid or to be paid for it.

(e) *Notification and disclosure to retailers.* (1) Every person delivering men's and boys' "tailored to the trade" and "made to measure" clothing to any purchaser for sale at retail shall within ten days of the first delivery to such purchaser made after July 10, 1942, supply such purchaser with the text of §§ 1389.102, 1389.105, 1389.106, 1389.107, 1389.118 (a), 1389.119 (a) (4), (9), (10), (11), (12) and (14) and 1389.123; *Provided:* That if such first delivery is made prior to August 1, 1942, the text of such sections may be supplied within ten days of August 1, 1942.

(2) Every person selling or delivering men's and boys' "tailored to the trade" and "made to measure" clothing otherwise than at retail shall within ten days after receipt of a written request from any person to whom such clothing shall have been sold, delivered or offered for sale after July 10, 1942, disclose in writing to such person the maximum price or prices established for sales of such clothing to such person by the seller under this Maximum Price Regulation No. 177.

§ 1389.117 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 177 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for the suspension of licenses provided by the Emergency Price Control Act of 1942.

§ 1389.118 *Procedure for adjustment and amendment.* (a) Any seller at retail who finds that the maximum price of any garment established for him under the provisions of § 1389.103 or § 1389.105 of this Maximum Price Regulation No. 177 is abnormally low in relation to the maximum prices of the same or similar garments established for other sellers at retail, and that this abnormality subjects him to substantial hardship, may file an application for adjustment of that maximum price in accordance with Temporary Procedural Regulation No. 2<sup>1</sup> issued by the Office of Price Administration.

(b) Any seller who finds that the highest maximum price permitted to him for any classification of garments by this Maximum Price Regulation No. 177 is unduly low in relation to commitments made prior to July 11, 1942, and any other person seeking a modification of such Regulation, may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1<sup>2</sup> issued by the Office of Price Administration.

§ 1389.119 *Definitions.* (a) When used in this Maximum Price Regulation No. 177, the term:

<sup>21</sup> *Supra*, note 2.  
<sup>12</sup> F. R. 3522, 3664.

(1) "Actual cost" of any garment means:

(i) In the case of a seller who did not manufacture the garment, the net price actually paid for a garment;

(ii) In the case of a seller who did manufacture the garment in question, the sum of the prices paid for materials, trimmings, and direct labor, whether employed or contracted, used in manufacturing the garment;

(2) "Base periods" are:

(i) For sales at retail of ready-made garments other than outer coats, the month of March 1942;

(ii) For sales at retail of ready-made outer coats, the months of September, October and November 1941;

(iii) For sales other than at retail of ready-made garments other than outer coats, the months of July, August, September, October and November 1941;

(iv) For sales other than at retail of ready-made outer coats, the months of July, August, September, October and November 1941;

(v) For all sales of "tailored to the trade" and "made to measure" garments other than outer coats, the months of January and February 1942; and

(vi) For all sales of "tailored to the trade" and "made to measure" outer coats, the months of September and October 1941;

(3) "Booking" means accepting orders (other than at retail) for delivery immediately or at any later time;

(4) "Current cost" means:

(i) In the case of a seller who did not manufacture the garment, the maximum price on and after July 11, 1942, which the seller is or would be allowed to pay for the garment when purchased from his customary sources of supply on his customary terms;

(ii) In the case of a seller who did manufacture the garment, the sum of the maximum prices which are applicable on and after July 11, 1942, to the materials and trimmings used in manufacturing the garment, when purchased from the seller's customary sources of supply on his customary terms, and the amounts paid for direct labor, whether employed or contracted, computed on the basis of wage rates paid by the seller on March 31, 1942, plus any increase subsequent thereto made pursuant to a collective bargaining contract or other wage agreement which contract or agreement (a) was entered into on or before April 27, 1942, and (b) provides for an unconditional increase in wage rates of a fixed amount or percent;

(5) "Garment" means any article or combination of articles of men's and boys' tailored clothing sold as a unit, and includes suits;

(6) "Highest price charged" means:

(i) The highest price which the seller charged for a garment delivered by him during the base period; or

(ii) If no such deliveries were made, his highest offering price for delivery during the base period; and the "highest price charged" shall be a price

charged to a purchaser of the same class, except that if deliveries were made to purchasers of particular classes at prices agreed on before a general rise in the seller's prices, and deliveries were made to purchasers of other classes at higher prices, the highest prices charged to the former classes shall be adjusted in accordance with the differentials customarily allowed by the seller to such classes;

(7) "Outer coat" means a topcoat or overcoat as defined herein;

(8) "Overcoat" means any coat commonly known as an overcoat, topcoat, reversible (of which the outer shell is made of part or all wool fabric), fingertip, or detachable-lined coat made of a fabric weighing more than 22 ounces per lineal yard approximately fifty-four inches in width;

(9) A "price" at which any person booked, delivered, or offered any garment during any base period shall be a price at which such garment was booked, delivered or offered to a purchaser of the same class;

(10) "Replacement cost" means "current cost" as defined in this section;

(11) a "seller" of one class, such as a seller of ready-made garments, may be with respect to other transactions a seller of any other class, such as a seller of "made to measure" garments; but no person shall be deemed to be a "seller" within this Maximum Price Regulation No. 177 by reason of any sale or service with respect to which he is deemed to be a "contractor" within Maximum Price Regulation No. 172—Charges of Contractors in Apparel Industry.

(12) "tailored clothing" means clothing ordinarily so known, which is cut, made and trimmed in the manner generally used for business and dress clothing, and excludes work clothing, rainwear and furnishings or haberdashery;

(13) "topcoat" means any coat commonly known as an overcoat, topcoat, reversible (of which the outer shell is made of a part or all wool fabric) fingertip, or detachable-lined coat, made of fabric weighing not more than twenty-two ounces per lineal yard approximately fifty-four inches in width;

(14) "tropical weight" means made of a fabric weighing not more than eleven ounces per lineal yard approximately fifty-four inches in width and containing 15% or more, by weight, of wool fiber, or made of any summer washable fabric of any weight;

(15) "wool" includes new wool, re-used wool, reprocessed wool, and mohair, and "part wool" means containing more than five percent by weight of wool fiber.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in § 1499.20 of the General Maximum Price Regulation<sup>1</sup> shall apply to other terms used herein.

§ 1389.120 *Effective date.* The effective date of this Maximum Price Regulation No. 177 shall be July 11, 1942.

§ 1389.121 *Appendix A: Amounts to be added to base-period prices of ready-made garments other than outer coats*

*sold otherwise than at retail.* The amounts to be added to base-period prices in determining maximum prices when permitted by § 1389.104 (a) shall be:

(a) *For garments which are not tropical weight.* (1) Seven and one-half percent of that portion of the price which does not exceed thirty dollars in the case of suits, twenty dollars in the case of separate coats or ten dollars in the case of separate vests and pants; plus

(2) Five percent of that portion of the price which exceeds such limits;

(b) *For tropical weight garments.*

(1) Eight and one-half percent of that portion of the price which does not exceed thirty dollars in the case of suits, twenty dollars in the case of separate coats and ten dollars in the case of separate vests and pants; plus

(2) Five percent of that portion of the price which exceeds such limits.

§ 1389.122 *Appendix B: Amounts to be added to base-period prices of outer coats—(a) For sellers at retail.* The amounts to be added to base-period prices in determining maximum prices when permitted by § 1389.103 (b) shall be:

(1) Fourteen percent of that portion of such price which does not exceed fifty dollars; plus

(2) Eight percent of that portion of such price which does exceed fifty dollars.

(b) *For sellers otherwise than at retail.* The amounts to be added to base-period prices in determining maximum prices when permitted by § 1389.104 (b) shall be:

(1) Fourteen percent of that portion of such price which does not exceed thirty dollars; plus

(2) Eight percent of that portion of such price which does exceed thirty dollars.

§ 1389.123 *Appendix C: Amounts to be added to base-period prices of "tailored to the trade" and "made to measure" garments—(a) Sales at retail.* The amounts to be added to base-period prices in determining maximum prices for sales at retail when permitted by § 1389.105 shall be:

(1) *For garments other than outer coats, not tropical weight.* (i) Seven and one-half percent of that portion of the price which does not exceed fifty dollars in the case of suits, thirty-three dollars and fifty cents in the case of separate coats and sixteen dollars and fifty cents in the case of separate pants and vests, plus

(ii) Five percent of that portion of the price which exceeds such limits;

(2) *For tropical weight garments.* (i) Eight and one-half percent of that portion of the price which does not exceed fifty dollars in the case of suits, thirty-three dollars and fifty cents in the case of separate coats and sixteen dollars and fifty cents in the case of separate pants and vests, plus;

<sup>1</sup> 7 F.R. 4882.

<sup>1</sup> *Supra*, note 1.

(ii) Five percent of that portion of the price which exceeds such limits;

(3) *For outer coats.* (i) Fourteen percent of that portion of the price which does not exceed fifty dollars, plus

(ii) Eight percent of that portion of the price which does exceed fifty dollars.

(b) *Sales otherwise than at retail.* The amounts to be added to base period prices in determining maximum prices for sales otherwise than at retail when permitted by § 1389.105 shall be:

(1) *For garments other than outer coats, not tropical weight.* (i) Seven and one-half percent of that portion of the price which does not exceed thirty dollars in the case of suits, twenty dollars in the case of separate coats and ten dollars in the case of separate pants and vests, plus

(ii) Five percent of that portion of the price which exceeds such limits;

(2) *For tropical weight garments.* (i) Eight and one-half percent of that portion of the price which does not exceed thirty dollars in the case of suits, twenty dollars in the case of separate coats and ten dollars in the case of separate pants and vests, plus

(ii) Five percent of that portion of the price which exceeds such limits;

(3) *For outer coats.* (i) Fourteen percent of that portion of the price which does not exceed thirty dollars, plus

(ii) Eight percent of that portion of the price which does exceed thirty dollars.

Issued this 6th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6414; Filed, July 6, 1942;  
5:23 p. m.]

#### PART 1398—OFFICE AND STORE MACHINES

[Amendment 3 to Revised Rationing  
Order 4<sup>1</sup>]

##### NEW AND USED TYPEWRITERS

In § 1398.102, the headnote is amended to read as set out below, subparagraph (8) to paragraph (a) is revoked and three new subparagraphs, (7), (8) and (9) are added to paragraph (b):

§ 1398.102 *Persons eligible to receive typewriters without application to Local War Price and Rationing Boards.* \* \* \*

(b) *Used typewriters.* \* \* \*

(7) The Procurement Division of the Treasury Department for the agencies of the federal government within the applicable quota assigned: *Provided*, That purchases for government agencies other than the Army, Navy, or Maritime Commission shall require the prior approval of the Director of Industry Operations of the War Production Board pursuant to application made to the Bu-

<sup>1</sup> 7 F.R. 2317.

reau of Governmental Requirements of the War Production Board. Any person who sells or delivers a typewriter in exchange for a purchase order issued by the Procurement Division of the Treasury Department shall retain a copy of such order in accordance with § 1398.107.

(8) State and local governments and agencies thereof in exchange for an authorization upon Form PD-577 issued by the Director of Industry Operations of the War Production Board pursuant to an application made to the Bureau of Governmental Requirements of the War Production Board and within the applicable quota for state and local governments and agencies thereof. Any person who sells or delivers a typewriter in exchange for Authorization Form PD-577 issued by the Director of Industry Operations of the War Production Board shall retain a copy of such order in accordance with § 1398.107.

(9) Persons acquiring typewriters for export pursuant to an export license issued by the Board of Economic Warfare, within the applicable quota assigned to the Board of Economic Warfare by the Office of Price Administration. When any typewriter is sold or delivered pursuant to the provisions of this subparagraph, the person who sells or delivers such typewriter to the exporter shall make a record of the number of the export license authorizing the export thereof in accordance with § 1398.107.

§ 1398.112 *Effective dates of amendments.* \* \* \*

(c) Amendment No. 3, §§ 1398.102, headnote, (a) (8), (b) (7), (b) (8) and (b) (9) to Revised Rationing Order No. 4 shall become effective July 8, 1942.

(Pub. Law 421, 77th Cong., WPB Directive No. 1, Supplementary Directive No. 1D, and Conversion Order No. L-54-a, 7 F.R. 562, 7 F.R. 1792, 7 F.R. 2130)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6402; Filed, July 6, 1942;  
5:19 p. m.]

#### PART 1408—GLASS AND GLASS CONTAINERS

[Maximum Price Regulation 175]

##### ROUGH ROLLED, FIGURED, WIRE AND HEAT ABSORBING ROLLED GLASS

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish as the maximum prices for rough rolled, figured, wire and heat absorbing glass the prices prevailing with respect thereto during the period October 1 to 15, 1941.

The maximum prices established by this Regulation are, in the judgment of the Price Administrator generally fair and equitable and in conformity with the general level of prices established by the

General Maximum Price Regulation.<sup>1</sup> A statement of the considerations involved in the issuance of this Regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 175 is hereby issued.

Sec.	
1408.1	Maximum prices for rolled and wire glass.
1408.2	Less than maximum prices.
1408.3	Conditional agreements.
1408.4	Evasion.
1408.5	Records and reports.
1408.6	Enforcement.
1408.7	Petitions for amendment.
1408.8	Definitions.
1408.9	General Maximum Price Regulation superseded.
1408.10	Maximum Export Price Regulation applicable.
1408.11	Effective date.
1408.12	Appendix A: Maximum prices for rolled and wire glass for the Eastern area.
1408.13	Appendix B: Maximum prices for rolled and wire glass for the Western area.

AUTHORITY: §§ 1408.1 to 1408.13 inclusive, issued under Public Law 421, 77th Cong.

§ 1408.1 *Maximum prices for rolled and wire glass.* On and after July 11, 1942, regardless of any contract, agreement, lease or other obligation, no manufacturer shall sell or deliver any rolled or wire glass and no person shall buy or receive any of the foregoing products in the course of trade or business from a manufacturer, at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as § 1408.12 and § 1408.13, respectively; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of rolled or wire glass to a purchaser if prior to July 11, 1942, such rolled or wire glass had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1408.2 *Less than maximum prices.* Lower prices than those set forth in Appendices A (§ 1408.12) and B (§ 1408.13) may be charged, demanded, paid, or offered.

§ 1408.3 *Conditional agreements.* No manufacturer of rolled or wire glass shall enter into an agreement permitting the adjustment of the price to prices which may be higher than the maximum prices provided by §§ 1408.12 and 1408.13, in the event that this Maximum Price Regulation No. 175 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3911, 3991, 4339.

<sup>2</sup> 7 F.R. 971.

such petition requires extensive consideration, and the Price Administrator determines that an exception should be made in the public interest pending such consideration, the Price Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1408.4 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 175 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to rolled or wire glass alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1408.5 *Records and reports.* (a) Every manufacturer making sales or deliveries subject to this Maximum Price Regulation No. 175, of rolled or wire glass after July 10, 1942, shall keep for inspection by the Office of Price Administration for a period of two years complete and accurate records of each such sale or delivery showing the date thereof, the name and address of the buyer, the price received, and the quantity of each grade and classification of the product sold or delivered.

(b) Persons affected by this Maximum Price Regulation No. 175 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1408.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 175 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 175 or any Price Schedule, Regulation or Order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1408.7 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 175 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1408.8 *Definitions.* (a) When used in this Maximum Price Regulation No. 175, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person operating a factory or plant producing rough rolled, figured, wire or heat absorbing glass as well as any sales subsidiary or affiliate or any commission salesman.

(3) "Rolled and wire glass" includes rough rolled, figured, wire, and heat absorbing rolled glass.

(4) "Rough rolled" or "figured glass" is flat glass having surface patterns which diffuse light and reduce the transparency of the glass. These terms shall not include colored sheet glass or glass known in the trade as cathedral or opalescent.

(5) "Wire glass" is flat glass in which wire has been embedded.

(6) "Heat absorbing rolled glass" is rolled glass which reduces the transmission of solar heat radiation.

(7) "Paper packing" means the placing of sheets of paper between each sheet of glass and the sheet packed next to it.

(8) A "standard case" is a case containing the amount of glass by size and number of lights specified in the packing schedule of the manufacturer in effect on October 1, 1941, in accordance with the practices of the manufacturer in effect on that date.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1408.9 *General Maximum Price Regulation superseded.* The provisions of this Maximum Price Regulation No. 175 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Regulation.

§ 1408.10 *Maximum Export Price Regulation applicable.* The maximum price at which a person may sell or deliver any commodity for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

§ 1408.11 *Effective date.* This Maximum Price Regulation No. 175 (§§ 1408.1

to 1408.13 inclusive) shall become effective July 11, 1942.

§ 1408.12 *Appendix A: Maximum prices for rolled and wire glass for the Eastern area—(a) Application.* The provisions of this Appendix A apply to all sales of rolled or wire glass in which the point of destination is within the continental United States except where the point of destination is in the states of Oregon, Washington, California, Nevada, Idaho, or Arizona.

(b) *Transportation practices.* The maximum prices established herein are f. o. b. factory points. On shipments of less than 300 square feet the manufacturer need not absorb any of the cost of transportation from factory point to buyer's receiving point. On shipments of 300 square feet or more, however, the seller shall absorb all costs of transportation to the buyer's receiving point in excess of the charge at the lowest applicable common carrier rate for a shipment of identical quantity by the mode of transportation actually employed from the applicable factory point to the buyer's receiving point. As used in this paragraph (b), the term "applicable factory point" means the factory producing the same class of rolled and wire glass items, or similar or competitive items suitable for the same use, from which the lowest published common carrier rate for a shipment of identical quantity by the mode of transportation actually employed applies to the buyer's receiving point; and the term "buyer's receiving point" means:

(1) In the case of shipments by water, ex dock, and in the case of carload shipments by rail, f. o. b. conveyance at a siding, at or in the vicinity of the point of delivery designated by the buyer.

(2) In the case of shipments by motor vehicle and of less-carload shipments by rail, the point of delivery designated by the buyer.

(c) *Maximum prices for certain standard items of rolled and wire glass.*

TABLE 1—ROUGH ROLLED AND FIGURED GLASS

[Class 1.—Rough Rolled, Hammered and Ribbed Glass.] Includes rough, hammered, and ribbed glass under whatever names sold and certain figured glass sold under the following trade names: Dewdrop, Factrolite, Hylite, Industrex, Luminox, Luxlite, Pentecor, Plainlite, Riblite, Skytex, Solite, and Velvex]

PLAIN (WITHOUT WIRE)

Thickness	Stock sheets (per sq. ft.)	Cut sizes	
		2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
1/8"	\$0.055	\$0.065	\$0.077
3/16"	.09	.10	.15
1/4"	.15	.17	.24
5/16" or 3/8"		.25	.30

See footnotes at end of table.

<sup>1</sup> *Supra*, note 1.

<sup>2</sup> 7 F.R. 3096, 3824, 4294.

TABLE 1—ROUGH ROLLED AND FIGURED GLASS—Continued  
WIRE (NOT WELDED)

Thickness	Stock sheets (per sq. ft.)	Cut Sizes	
		2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
1/4"	\$0.17	\$0.20	\$0.20
3/8"	.11	.13	.14
1/2"	.19	.21	.22
3/4" or 1/2"		.30	.30
1"		.60	.60
1 1/4"		.80	.80
1 1/2"		.100	1.00

Class 2—Rolled Figured Glass of Florentine, Maze or Similar Patterns. Includes figured glass sold under the following trade names: Astralite, Colonial, Crepe, Dewlite, Diffusex, Florex, Mazex, Meteor, Modernistic, Pebblex, Silverite, Sterlex, and Syenite<sup>1</sup>

## PLAIN (WITHOUT WIRE)

1/4"	\$0.08	\$0.09	\$0.10
3/8"	.12	.13	.14

## WIRE (NOT WELDED)

1/4"	\$0.20	\$0.22	\$0.22
3/8"	.14	.16	.17

Class 3—Rolled glass of pyramidal patterns. Includes figured glass sold under the following trade names: Aurora, Oriental, Prestlite, Pyramid, and Reglex<sup>1</sup>

## PLAIN (WITHOUT WIRE)

1/4"	\$0.10	\$0.12	\$0.14
3/8"	.15	.18	.20

Class 4—Rolled glass known as ornamental plate. Includes figured glass sold under the following trade names: Artex and Muralex<sup>1</sup>

## PLAIN (WITHOUT WIRE)

1/4"	\$0.19	\$0.20	\$0.21
3/8"	.19	.20	.21

Class 5—Rolled glass known as louvered plate. Includes patterns sold under the following trade names: Bandlite, Barlite, Bevelite, Flutex, Louvrex, and Reedex<sup>1</sup>

## PLAIN (WITHOUT WIRE)

1/4"	\$0.20	\$0.25	\$0.25
3/8"	.20	.25	.25

<sup>1</sup> For frosted or glare reducing finish on glass of one-quarter inch thickness or less of Class 1, 4 cents per square foot may be added on quantities of 2,000 square feet and over and 5 cents on quantities under 2,000 square feet to the price of the glass so treated.

<sup>2</sup> On cut sizes up to and including 14" x 20" deduct 1 cent from cut size price shown above.

<sup>3</sup> On cut sizes up to and including 14" x 20" deduct 2 cents from cut size price shown above.

TABLE 2—POLISHED FIGURED GLASS

	Thickness (inch)	Stock sheets (per sq. ft.)	Cut sizes	
			2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
Classes 2, 3, and 4 of table 1 above	3/8	\$0.50	\$0.50	\$0.55
Class 5 of table 1 above	3/8	.40	.50	.50
Polished Figured Wire Glass (Crepe, Modernistic, Pebblex, and Syenite)	3/4	.55	.55	.60

TABLE 3—POLISHED WIRE GLASS (NOT WELDED)

(a) 3/4" thick

Bracket	Stock sheets (per sq. ft.)	Cut sizes (per sq. ft.)
Up to 1 1/4 sq. ft.	\$0.39	\$0.48
1 1/4 to 2 1/2 sq. ft.	.45	.55
2 1/2 to 5 sq. ft.	.50	.63
5 to 10 sq. ft.	.63	.66
10 to 25 sq. ft.	.65	.67
25 to 50 sq. ft.	.66	.67
Over 50 sq. ft. and/or 48" wide	.68	.69

<sup>1</sup> For polished wire glass furnished with welded wire 5 cents per square foot may be added to the price quoted above for polished wire glass.

(b) 3/8" and 1/2" thick (cut sizes only)

Bracket	3/8" thick	1/2" thick
Up to 2 1/2 sq. ft.	\$0.60	\$0.80
Over 2 1/2 sq. ft.	.75	1.00

(c) 5/8" and 3/4" thick (cut sizes only)

Bracket	5/8" thick	3/4" thick
Up to 1 1/4 sq. ft.	\$1.50	\$2.00
Over 1 1/4 sq. ft.	1.75	2.50

TABLE 4—HEAT ABSORBING ROLLED GLASS—ROUGH, HAMMERED OR RIBBED<sup>1</sup>

Thickness (inch)	Stock sheets (per sq. ft.)	Cut sizes	
		2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
1/4"	\$0.10	\$0.12	\$0.14
3/8"	.15	.17	.19

## PLAIN (WITHOUT WIRE)

1/4"	\$0.10	\$0.12	\$0.14
3/8"	.15	.17	.19

## WIRE (NOT WELDED)

3/4"	\$0.19	\$0.21	\$0.23
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<sup>1</sup> For frosted or glare reducing finishes 5 cents per square foot may be added to the price quoted above for heat-absorbing glass.

TABLE 5—HEAT ABSORBING POLISHED WIRE GLASS 3/4" THICK

Bracket	Stock sheets (per sq. ft.)	Cut sizes (per sq. ft.)
Up to 2 1/2 sq. ft.	\$0.55	\$0.65
2 1/2 to 5 sq. ft.	.60	.73
5 to 10 sq. ft.	.63	.76
10 to 25 sq. ft.	.65	.77
25 to 50 sq. ft.	.66	.77
Over 50 sq. ft. and/or 48" wide	.68	.79

(d) General provisions affecting price applicable to all products unless otherwise specified. On glass (except polished wire glass, q. v.) over 48" wide there may be charged 2 cents per square foot additional.

The manufacturer may require that unless otherwise specified, each order for

two thousand square feet or over of cut sizes shall be of one size and thickness of glass to avail of the price applicable under that heading.

Fractions may be charged at the next higher inch.

Triangles may be charged on the basis of rectangles from which they are cut.

Circles may be charged on basis of squares from which they are cut.

(e) Discounts. On all of the prices and charges set forth under paragraphs (c) and (d) of this Appendix A, a discount of 10 percent shall be given by the manufacturer to all purchasers, and such discount shall be prominently set forth on any and all price lists issued subsequent to the effective date of this Maximum Price Regulation No. 175 as an integral part thereof.

(f) Maximum prices for all rolled and wire glass not expressly listed above in tables 1-5 of this Appendix A. The maximum price for rolled and wire glass not expressly listed above in tables 1 to 5 of paragraph (c) of this Appendix A shall be such that the cost to the purchaser from a manufacturer is not in excess of what it was or would have been to such purchaser on October 1, 1941 (upon the basis of the prices, trade, quantity, and cash discounts, charges, deposits and allowances whether published or unpublished then listed or quoted by the manufacturer) for like quantities, thicknesses, patterns, grades, qualities, classes, types, kinds, shapes or sizes (bracket, cut, etc.) of such rolled and wire glass exclusive of any premium or charges or any other inducement that may then have been offered by the purchaser or demanded by the manufacturer to negotiate the sale.

(g) Leeways and tolerances. (1) Stock sheets shall at the request of the purchaser be sold within as narrow limits as those specified by the manufacturer on October 1, 1941, and with no greater leeways allowed than those allowed on October 1, 1941, by the manufacturer.

(2) In sales of glass covered by this Maximum Price Regulation No. 175, no change shall be made in the tolerance permitted from the tolerances permitted on October 1, 1941.

(h) Additional charges allowed. No additional charges other than those listed herein shall be allowed.

1. Paper packing: (Other than corrugated or indented) 1/2 cent per square foot additional.

2. Boxing:

Standard cases	Glass measurement	
	Up to and including 60 united inches	Over 60 united inches
Rough rolled, figured, and wire glass less than 3/4" thick	\$3.00	\$4.00
Heat absorbing glass	3.00	4.00
Polished figured and polished wire	4.00	5.00

	$\frac{3}{8}$ " thick	$\frac{7}{16}$ " to $\frac{1}{2}$ " thick	$\frac{5}{8}$ " to $\frac{3}{4}$ "
Heavy figured and wire glass (not polished):			
Up to and including 100 sq. ft.	\$2.50	\$3.00	\$3.50
101 to and including 275 sq. ft.	4.00		

## Minimum cases:

Up to and including 40 united inches (glass measurement)	\$0.50
41 to and including 60 united inches (glass measurement)	.75
61 to and including 100 united inches (glass measurement)	1.25
Over 100 united inches (glass measurement)	3.00

Special boxing on orders less than standard but over minimum case

Boxing charge per sq. ft. of glass packed

## Rough rolled, figured, wire and heat absorbing

rolled glass:	
Up to and including $\frac{1}{8}$ " thickness	\$0.02
$\frac{1}{8}$ " thickness	.02 $\frac{1}{2}$
$\frac{7}{16}$ ", $\frac{1}{2}$ ", and $\frac{3}{4}$ " thickness	.03
$\frac{1}{2}$ " and $\frac{3}{4}$ " thickness	.04
polished figured and polished wire glass:	
$\frac{7}{16}$ ", $\frac{1}{2}$ ", and $\frac{3}{4}$ " thickness	.02 $\frac{1}{2}$
$\frac{7}{16}$ ", $\frac{1}{2}$ ", and $\frac{3}{4}$ " thickness	.03
$\frac{3}{4}$ " thickness	.04

## 3. Grinding, cutting and sandblasting.

	Up to and including $\frac{1}{2}$ " thickness	$\frac{5}{8}$ " to $\frac{3}{4}$ " inclusive
Rounding corners—per lineal inch	\$0.00 $\frac{1}{2}$	\$0.00 $\frac{3}{4}$
Grinding edges—per lineal inch	.00 $\frac{1}{2}$	.00 $\frac{3}{4}$
Cutting circles—per inch of diameter	.01 $\frac{1}{4}$	.01 $\frac{3}{4}$
	Up to 2,000 sq. ft.	2,000 sq. ft. and over
Sandblasting:		
Full face only—per sq. ft.	\$0.05	\$0.04
Both sides—per sq. ft.	.10	.08

Where the charge for grinding, cutting or sandblasting does not equal as much as ten cents per light, a charge of ten cents per light may be made for each operation.

For cutting to pattern the manufacturer may make the same charges which he would have made on October 1, 1941.

4. Miscellaneous packaging. Stock sheets (except polished wire) of more than one pattern, 1 cent per square foot over stock sheet price.

Stock sheets (except polished wire) or more than one width, 1 cent per square foot over stock sheet prices.

Stock sheets (except polished wire) of limited lengths 1 cent per square foot over stock sheet prices.

Stock sheets (except polished wire) of less than 300 square feet, 1 cent per square foot over stock sheet prices.

5. LCL and LTL stock cases may be charged at 2 cents per square foot additional where shipment is to other than a jobber's own warehouse.

(i) **Minimum charge.** On orders the total charge for which (including the charge for boxing and not in addition thereto) amounts to less than one dollar, a charge of one dollar may be made.

(j) **Taxes.** There may be added to the maximum price established by this regulation the amount of tax levied by any Federal excise statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute

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or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (1) such statute or ordinance requires the vendor to state the tax, separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (2) such statute or ordinance requires such tax to be paid separately by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or (3) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

(k) **Credit extension.** The maximum prices established by this Maximum Price Regulation No. 175 shall not be increased by any charges for the extension of credit and shall be reduced by 1 percent for payment within 10 days of delivery.

§ 1408.13 **Appendix B: Maximum prices for rolled and wire glass for the Western area.** (a) **Application.** The provisions of this Appendix B apply to all sales of rolled or wire glass in which the point of destination is within the states of Oregon, Washington, California, Nevada, Idaho, or Arizona.

(b) **Transportation practices.** The maximum prices set forth herein shall include at least the same amount of freight absorption and equalization as was or would have been absorbed or equalized by the manufacturer on comparable shipments to the same place of destination on October 1, 1941, and each manufacturer shall continue in effect all freight absorption and freight equalization practices observed by him on October 1, 1941.

(c) **Maximum prices for certain standard items of rolled and wire glass.**

TABLE 1—ROUGH ROLLED AND FIGURED GLASS

[Class 1.—Rough rolled, hammered, and ribbed glass.<sup>1</sup> Includes rough, hammered, and ribbed glass under whatever name sold and certain figured glass sold under the following trade names: Dewdrop, Hyile, Pontecor, Luminox, Skytex, Solite, and Velux. For figured glass sold under the trade names Fabric, Factrolite, Industrex, and Luxlite one cent per square foot may be added to the prices set forth for glass in this Class 1]

PLAIN (WITHOUT WIRE)			
Thickness	Stock sheets (per sq. ft.)	Cut sizes	
		2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
$\frac{1}{8}$ "	\$0.055	<sup>2</sup> \$0.065	<sup>2</sup> \$0.075
$\frac{7}{32}$ "	.10	.12	.14
$\frac{3}{8}$ "	.14	.16	.18
$\frac{7}{16}$ " or $\frac{1}{2}$ "		.23	.25

See footnotes at end of table.

TABLE 1—ROUGH ROLLED AND FIGURED GLASS—Continued

WIRE (NOT WELDED)			
Thickness	Stock sheets (per sq. ft.)	Cut sizes	
		2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
$\frac{1}{8}$ "	\$0.12	<sup>2</sup> \$0.14	<sup>2</sup> \$0.15
$\frac{7}{32}$ "	.18	.19	.20
$\frac{1}{4}$ " or $\frac{1}{2}$ "		.27	.27
$\frac{3}{8}$ "		.60	.60
$\frac{1}{2}$ "		.80	.80
$\frac{3}{4}$ "		1.00	1.00

[Class 2.—Rolled figured glass of flint, maza or similar patterns. Includes figured glass sold under the following trade names: Astralite, Crepe, Dewlite, Diffux, Florex, Mazex, Meteor, Modernite, Pebblex, Sterlex, and Syenite]

PLAIN (WITHOUT WIRE)			
Thickness	Stock sheets (per sq. ft.)	2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
$\frac{1}{8}$ "	\$0.075	\$0.09	\$0.10
$\frac{7}{32}$ "	.12	.14	.15

WIRE (NOT WELDED)			
Thickness	Stock sheets (per sq. ft.)	2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
$\frac{1}{4}$ "	\$0.15	\$0.17	\$0.18

[Class 3.—Rolled glass of pyramidal patterns. Includes figured glass sold under the following trade names: Aurora, Prestlite, Pyramid, and Reglex]

PLAIN (WITHOUT WIRE)			
Thickness	Stock sheets (per sq. ft.)	2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
$\frac{1}{8}$ "	\$0.09	\$0.11	\$0.13
$\frac{7}{32}$ "	.14	.17	.18

WIRE (NOT WELDED)			
Thickness	Stock sheets (per sq. ft.)	2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
UP TO 42"			
$\frac{1}{4}$ "	\$0.21	\$0.25	\$0.27
44" TO 54"	.24	.27	.29

[Class 4.—Rolled glass known as ornamental plate. Includes figured glass sold under the following trade names: Artex and Muralex]

PLAIN (WITHOUT WIRE)			
Thickness	Stock sheets (per sq. ft.)	2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
$\frac{1}{8}$ "	\$0.17	\$0.18	\$0.19
$\frac{7}{32}$ "	.17	.18	.19

[Class 5.—Rolled glass known as lowered plate. Includes patterns sold under the following trade names: Bandlite, Barilite, Bevelite, Flutex, Louvrex, and Reedex]

PLAIN (WITHOUT WIRE)			
Thickness	Stock sheets (per sq. ft.)	2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
$\frac{1}{8}$ "	\$0.20	\$0.25	\$0.25
$\frac{7}{32}$ "	.20	.25	.25

<sup>1</sup> For frosted or glare reducing finish on glass of one-quarter inch thickness or less of Class 1,  $\frac{1}{2}$  cents per square foot may be added to the price of the glass treated.

<sup>2</sup> On cut sizes up to and including 14" x 20" deduct 1 cent from cut size price shown above.

<sup>3</sup> On cut sizes up to and including 14" x 20" deduct 2 cents from cut size price shown above.

TABLE 2—POLISHED FIGURED GLASS

	Approximate thickness	Stock sheets (per sq. ft.)	Cut sizes	
			2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)
Classes 2, 3, and 4 of table one above	$\frac{7}{32}$ " and $\frac{1}{4}$ "	\$0.50	\$0.50	\$0.55
Class 5 of table one above	$\frac{7}{32}$ "	.40	.50	.50
Polished figured wire glass	$\frac{1}{4}$ "	.55	.55	.60

TABLE 3—POLISHED WIRE GLASS (NOT WELDED)<sup>1</sup>

(a) ¼" thick.

Bracket	Stock sheets (per sq. ft.)	Cut sizes per sq. ft.
Up to 1¼ sq. ft.	\$0.39	\$0.48
1¼ to 2½ sq. ft.	.45	.55
2½ to 5 sq. ft.	.50	.63
5 to 10 sq. ft.	.53	.66
10 to 25 sq. ft.	.55	.67
25 to 50 sq. ft.	.56	.67
Over 50 sq. ft. and/or 48" wide	.58	.69

<sup>1</sup> For polished wire glass furnished with welded wire 5 cents per square foot may be added to the price quoted above for polished wire glass.

(b) ⅝" and ¾" thick (cut sizes only).

Bracket	⅝" thick	¾" thick
Up to 2½ sq. ft.	\$0.60	\$0.80
Over 2½ sq. ft.	.75	1.00

(c) ⅝" and ¾" thick (cut sizes only).

Bracket	⅝" thick	¾" thick
Up to 1¼ sq. ft.	\$1.50	\$2.00
Over 1¼ sq. ft.	1.75	2.50

TABLE 4—HEAT ABSORBING ROLLED GLASS—HAMMERED OR RIBBED<sup>1</sup>

Thickness	Stock sheets (per sq. ft.)	Cut sizes	
		2,000 sq. ft. and over (per sq. ft.)	Under 2,000 sq. ft. (per sq. ft.)

## PLAIN (WITHOUT WIRE)

¼"	\$0.12	\$0.14	\$0.16
½"	.19	.21	.23

## WIRE (NOT WELDED)

¼"	\$0.23	\$0.25	\$0.27
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<sup>1</sup> For frosted or glare reducing finishes, 4½ cents per square foot may be added to the price quoted above for heat-absorbing glass.

TABLE 5—HEAT ABSORBING POLISHED WIRE GLASS ABOUT ¼" THICKNESS

Bracket	Stock sheets (per sq. ft.)	Cut sizes (per sq. ft.)
Up to 2½ sq. ft.	\$0.50	\$0.59
2½ to 5 sq. ft.	.54	.64
5 to 10 sq. ft.	.57	.69
10 to 25 sq. ft.	.59	.70
25 to 50 sq. ft.	.60	.70
Over 50 sq. ft. and/or 48" wide	.62	.72

(d) Maximum prices for all rolled and wire glass not expressly listed above in Tables 1-5 of this Appendix B. The maximum price for rolled and wire glass not expressly listed above in tables 1 to 5 of paragraph (c) of this Appendix B shall be such that the cost to the purchaser from a manufacturer is not in excess of what it was or would have been to such purchaser on October 1, 1941 (upon the

basis of the prices, trade, quantity, and cash discounts, charges, deposits and allowances whether published or unpublished then listed or quoted by the manufacturer and upon the basis of the freight and delivery practices recognized by the manufacturer on October 1, 1941) for like quantities, thicknesses, patterns, grades, qualities, classes, types, kinds, shapes or sizes (bracket, cut, etc.) of such rolled and wire glass exclusive of any premium or charges or any other inducement that may then have been offered by the purchaser or demanded by the manufacturer to negotiate the sale.

(e) Application of certain paragraphs of Appendix A to Appendix B. Paragraphs (d), (g), (h), (i), (j) and (k) of § 1408.12 (Appendix A) of this Maximum Price Regulation No. 175 shall be applicable to this Appendix B.

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.[F. R. Doc. 42-6398; Filed, July 6, 1942;  
5:17 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[Amendment 11 to the General Maximum Price Regulation<sup>1</sup>]

## COST-OF-LIVING COMMODITIES

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1499.13 (b) is amended to read as set forth below:

§ 1499.13 Maximum prices of cost-of-living commodities: Statement, marking or posting. \* \* \*

(b) On or before July 1, 1942, every person offering to sell cost-of-living commodities at retail shall file with the appropriate War Price and Rationing Board of the Office of Price Administration a statement showing his maximum price for each such commodity, together with an appropriate description or identification of it. Such statement shall be kept up to date by such person by filing on the tenth day of every succeeding month a statement of his maximum price for any cost-of-living commodity newly offered for sale during the previous month, together with an appropriate description or identification of the commodity.

§ 1499.23a Effective dates of amendments. \* \* \*

(k) Amendment No. 11 (§ 1499.13 (b)) shall become effective July 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.[F. R. Doc. 42-6411; Filed, July 6, 1942;  
5:22 p. m.]

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4489, 4659, 4738.

## PART 1499—COMMODITIES AND SERVICES

[Amendment 12 to Supplementary Regulation 1<sup>1</sup> to General Maximum Price Regulation<sup>2</sup>]

## EXCEPTIONS FOR CERTAIN COMMODITIES, SALES, AND DELIVERIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Subparagraph (26) of paragraph (a) in § 1499.26 is amended to read, as set forth below:

§ 1499.26 Exceptions for certain commodities and certain sales and deliveries. (a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(26) Any used, damaged or waste materials sold, delivered or transferred by the War Department or the Department of the Navy of the United States.

(e) Effective dates. \* \* \*

(13) Amendment No. 12 (§ 1499.26 (a) (26)) to Supplementary Regulation No. 1 shall become effective July 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.[F. R. Doc. 42-6397; Filed, July 6, 1942;  
5:17 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[Amendment 11 to Supplementary Regulation 1<sup>1</sup> to General Maximum Price Regulation<sup>2</sup>]

## EXCEPTIONS FOR CERTAIN COMMODITIES, SALES, AND DELIVERIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new subparagraph (28) is added to § 1499.26 (a), as set forth below:

§ 1499.26 Exceptions for certain commodities, certain sales, and deliveries. (a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(28) Bark obtained from hemlock, oak, chestnut and spruce.

(e) Effective dates. \* \* \*

(12) Amendment No. 11 (§ 1499.26 (a) (28)) to Supplementary Regulation No. 1 shall become effective as of May 11, 1942.

<sup>1</sup> 7 F.R. 3156, 3488, 3892, 4183, 4410, 4423, 4487, 4493.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659.

<sup>3</sup> 7 F.R. 3158, 3488, 3692, 4183, 4410, 4428, 4487, 4488, 4493.

(Public Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.[F. R. Doc. 42-6412; Filed, July 6, 1942;  
5:22 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[Maximum prices authorized under § 1499.3  
(b) of the General Maximum Price Regu-  
lation—Order 20]

## PARAFFINE COMPANIES, INC.

By letter of May 28, 1942, the Paraffine Companies, Inc. of San Francisco, California applied to the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine maximum prices for certain new products designated camouflage mineral surfaced roofing, camouflage mineral surfaced split sheet roofing, and camouflage Dutch lap shingles and for instructions as to the method to be used in determining such prices. Due consideration has been given to the application and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, it is hereby ordered:

§ 1499.57 *Authorization for Paraffine Companies, Inc. to determine maximum prices for camouflage mineral surfaced roofing, camouflage mineral surfaced split sheet roofing and camouflage Dutch lap shingles.* (a) The maximum prices which may be charged for camouflage mineral surfaced roofing, camouflage mineral surfaced split sheet roofing or camouflage Dutch lap shingles shall be determined in accordance with the following formula:

Determine the unit platform cost (cost of raw materials, direct labor, accessories, factory overhead, packaging and loading,) of the new product, using as the cost of each constituent item of the platform cost the highest replacement cost for each such item during March 1942 and the highest rate charged during March 1942 for similar labor. Determine the average unit platform cost (including accessories) in March 1942, of the most comparable product manufactured by the Paraffine Companies in March. Add to the platform cost of the new product the commercial burden (general, administrative, and selling expenses) at the percentage rate prevailing in March, 1942, for the most comparable product, determining this percentage on the basis of the platform cost of the most comparable product. To this figure add the cost of freight to the f. o. b. selling point; the result is the total cost

to make and sell at the f. o. b. selling point. To this total cost there may be added a margin of profit in an amount not to exceed the same prevailing percentage of profit per unit in relation to sales as was realized in March on sales of the most comparable product at the f. o. b. selling point.

The most comparable product to the camouflage mineral surfaced roofing is Paraffine Companies' 90 lb. mineral surfaced roofing; the most comparable product to camouflage mineral surfaced split sheet roofing is Paraffine Companies' mineral surfaced split sheet roofing; the most comparable product to camouflage Dutch lap shingles is Paraffine Companies' Dutch lap shingles.

A separate determination of price shall be made for each product for each f. o. b. selling point; all colors of a new product shall be considered one product.

(b) All freight equalization practices and allowances and discounts applicable to the sale of the most comparable product of Paraffine Companies, Inc. whether based on quantity, class of purchaser or any other cause shall be applicable to sales of any products whose maximum prices are established under this Order.

(c) Within ten days after a maximum price has been determined in accordance with this Order, Paraffine Companies, Inc. shall report that price to the Office of Price Administration, stating that the price was determined in accordance with the formula set forth in paragraph (a) hereof and setting forth in detail the calculations made in determining that price. This report shall be filed under oath or affirmation and shall be filed in triplicate.

(d) Any selling price determined under this Order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 20 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 20 (§ 1499.57) shall become effective July 7, 1942. (Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.[F. R. Doc. 42-6400; Filed, July 6, 1942;  
5:18 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[Maximum prices authorized under § 1499.3  
(b) of the General Maximum Price Regu-  
lation—Order 21]MANGANESE ORES SOLD BY METALS  
RESERVE CO.

The Metals Reserve Company, Washington, D. C., has made application pursuant to § 1499.3 (b) of the General Maximum Price Regulation for the determination of a maximum price for certain manganese ores. Due consideration has been given to the application and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the

reasons set forth in the Opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and pursuant to § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, it is ordered:

§ 1499.58 *Maximum prices for certain manganese ores sold by the Metals Reserve Company, Washington, D. C.* (a) On and after July 7, 1942, the Metals Reserve Company, Washington, D. C. may sell and deliver to the Sloss Sheffield Steel and Iron Company of Birmingham, Alabama, and the Sloss Sheffield Steel and Iron Company may purchase approximately 5,000 gross tons of Cuban nodulized ore containing approximately 50.60% manganese and approximately 5,000 gross tons of Cuban crude manganese ore containing approximately 45.1% manganese at a price not in excess of 81¢ per long ton unit of manganese content, based on 45% manganese content, plus 1¢ for each 1% of manganese in excess of 45%, North Birmingham, Alabama stockpile of Metals Reserve Company.

(b) This Order No. 21 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 21 (§ 1499.58) shall become effective July 7, 1942. (Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.[F. R. Doc. 42-6413; Filed, July 6, 1942;  
5:22 p. m.]PART 1407—RATIONING OF FOOD AND  
FOOD PRODUCTS

[Amendment 4 to Rationing Order 32]

## SUGAR RATIONING REGULATIONS

A new item is added to § 1407.243, as set forth below:

## Schedules

§ 1407.243 *Schedule C: Designation of ration periods and weight value of stamps valid therein.*

Ration period	Stamp valid during ration period	Weight value of stamp
No. 7 (July 10 to Aug. 22, 1942).	Stamp No. 7..	2 pounds.

§ 1407.222 *Effective dates of amendments.* \* \* \*

(d) Amendment No. 4 (§ 1407.243) to Rationing Order No. 3 shall become effective July 7th, 1942.

(Pub. Law 421, 77th Cong. 2d Sess., W.P.B. Dir. No. 1 and Supp. Dir. No. 1E.)

Issued this 7th day of July, 1942.

LEON HENDERSON,  
Administrator.[F. R. Doc. 42-6455; Filed, July 7, 1942;  
11:59 a. m.]

\* 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659.

\* 7 F.R. 3153, 3330, 3666.

\* 7 F.R. 2966, 3242, 3783, 4545.

**TITLE 46—SHIPPING**  
**Chapter I—Bureau of Customs**  
 [T.D. 50669]

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

**PART 1—DOCUMENTATION OF VESSELS**

**EFFECTIVENESS EXTENDED**

46 CFR 1.71 and 1.73 amended, and 46 CFR 1.84 rescinded, to permit documents issued to vessels under the act of June 6, 1941, to be effective until ordered surrendered by the Commissioner of Customs.

Section 1.71 (a),<sup>1</sup> Part 1, title 46, Code of Federal Regulations, is hereby amended to read as follows:

§ 1.71 *Vessels entitled to documents under the Act of June 6, 1941.* (a) The following vessels of 20 net tons or over may be registered under the act of June 6, 1941, as extended:

(1) Any vessel (except a vessel constructed under the provisions of the Merchant Marine Act, 1936, as amended), not documented under the laws of the United States, acquired by or made available to the U. S. Maritime Commission under the act of June 6, 1941, or otherwise, or acquired by or made available to the War Shipping Administration under the act of June 6, 1941, as modified by Executive Order No. 9054, dated February 7, 1942, or otherwise.

(2) Vessels registered pursuant to this section shall not engage in the coastwise trade unless in possession of a valid unexpired permit to engage in that trade issued by the U. S. Maritime Commission under authority of section 5 (c) of the act of June 6, 1941, or by the War Shipping Administration under authority of that section as modified by Executive Order No. 9054, dated February 7, 1942.

Section 1.73 (c),<sup>2</sup> Part 1, title 46, Code of Federal Regulations, is hereby amended to read as follows:

§ 1.73 *Marine documents under the act of June 6, 1941, classes.* \* \* \*

(c) Every marine document issued under the act of June 6, 1941, shall be valid until the effective date of an order of the Commissioner of Customs requiring its surrender, unless sooner terminated as provided for in any of the provisions of §§ 1.70 to 1.85 of this chapter.

Section 1.84, Part 1, title 46, Code of Federal Regulations, is hereby rescinded.

(Secs. 1.71, 1.73 amended, and 1.84 rescinded under authority contained in sec. 5, 55 Stat. 242, Public Law 610, 77th Congress. E.O. 9054, 9083; 7 F.R. 837, 1609)

[SEAL] **FRANK DOW,**  
*Acting Commissioner of Customs.*

Approved: July 2, 1942.

**HERBERT E. GASTON,**  
*Acting Secretary of the Treasury.*

[F. R. Doc. 42-6451; Filed, July 7, 1942; 11:16 a. m.]

<sup>1</sup> 6 F.R. 2794; 7 F.R. 2712.

<sup>2</sup> 6 F.R. 2794.

**TITLE 47—TELECOMMUNICATION**  
**Chapter I—Federal Communications Commission**

**PART 42—RULES GOVERNING THE DESTRUCTION OF RECORDS OF TELECOMMUNICATION CARRIERS**

**Correction**

Attention is directed to the following error which appeared in the Saturday, July 4, 1942, issue of the **FEDERAL REGISTER** (7 F.R. 5090):

"July 30, 1942" should read "June 30, 1942."

By the Commission.

[SEAL]

**T. J. SLOWIE,**  
*Secretary.*

[F. R. Doc. 42-6439; Filed, July 7, 1942; 10:46 a. m.]

**TITLE 49—TRANSPORTATION AND RAILROADS**

**Chapter II—Office of Defense Transportation**

[General Order O.D.T. No. 15]

**PART 502—DIRECTION OF TRAFFIC MOVEMENT**

**SUBPART E—COASTWISE MOVEMENT OF COAL BETWEEN UNITED STATES PORTS ON THE ATLANTIC OCEAN**

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, in order to prevent terminal congestion at rail gateways and port areas in the movement of troops and materials and supplies of war, and to assure maximum utilization of the facilities, services, and equipment of common carriers by railroad for the preferential transportation of such traffic, and to prevent shortages of equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to expedite the movement and provide for the maximum flow of such traffic; and to conserve and providently utilize the transportation facilities and services of railroads and ocean-going colliers, the attainment of which purposes is essential to the successful prosecution of the war:

*It is hereby ordered, That:*

Sec.

502.20 Definitions.

502.31 Transportation of coal between certain Atlantic ports prohibited.

502.32 Records and reports.

**AUTHORITY:** §§ 502.30 to 502.32, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 502.30 *Definitions.* As used in this subpart:

(a) The term "vessel" means any self-propelled ship, having a gross register tonnage of one thousand tons or more, documented under the laws of the United States or owned by a citizen of the United States, which transports or which is capable of transporting cargo in bulk. The

determination of the capability of any ship to transport cargo in bulk, within the meaning of this definition, shall be made by the Director of Defense Transportation and shall be final.

(b) The term "Hampton Roads area" shall include Sewall's Point and Lambert's Point, Virginia, and all piers, docks, and other points and places in Newport News and Norfolk, Virginia.

§ 502.31 *Transportation of coal between certain Atlantic ports prohibited.* No vessel shall accept for shipment, forward, or transport any shipment of coal between ports, points, or places in the United States on the Atlantic Ocean or its connecting or tributary waters, north of and including the Hampton Roads area, except:

(a) From the Hampton Roads area to a port, point or place east of Stonington, Connecticut;

(b) Pursuant to the terms of a special or general permit issued by the Director of Defense Transportation or by special permit issued by the Director of the Division of Coastwise and Intercoastal Transport of this Office.

§ 502.32 *Records and reports.* Every person owning, controlling, or operating a vessel engaged in the transportation of coal between ports, points, or places in the United States on the Atlantic Ocean or its connecting or tributary waters, shall prepare and maintain such records and make such reports with respect to the transportation of coal embraced in this subpart as this Office may hereafter require and shall keep such records available for convenient inspection by accredited representatives of this Office.

This subpart shall become effective July 22, 1942, and remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 6th day of July, 1942.

**JOSEPH B. EASTMAN,**  
*Director of Defense Transportation.*

[F. R. Doc. 42-6395; Filed, July 6, 1942; 3:46 a. m.]

[General Order O.D.T. No. 16]

**PART 502—DIRECTION OF TRAFFIC MOVEMENT**

**SUBPART F—FREIGHT SHIPMENTS VIA PORTS IN THE UNITED STATES**

By virtue of the authority vested in me by Executive Order No. 8989, approved December 18, 1941, and in order to coordinate and direct domestic traffic movements with the objective of preventing possible points of traffic congestion and to assure the orderly and expeditious movement of materials and supplies of war to points of need; to coordinate domestic traffic movement with ocean shipping in order to avoid terminal congestion at ports in the United States, and in order to maintain a maximum flow of traffic, the attainment of

which purposes is essential to the prosecution of the war.

*It is hereby ordered, That:*

Sec.

502.40 Definitions.

502.41 Transportation of government export or overseas freight; block permits required.

502.42 Transportation of commercial freight; unit permits required.

502.43 No permits required for less-than-carload, less-than-carload via barge, and less-than-truckload commercial shipments.

502.44 Transportation of export or overseas freight within port areas for loading on vessels.

502.45 Shipments or proposed shipments intended for shipment by water.

502.46 Reconsignment.

502.47 When O.D.T. block, unit and local port permits may be issued.

502.48 Suspension of operation of provisions of this subpart; suspension or cancellation of O.D.T. block, unit, and local port permits.

502.49 Cancellation of Instruction O.D.T. No. 1; effective dates of this subpart.

AUTHORITY: §§ 502.40 to 502.49, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 502.40 *Definitions.* As used in this subpart:

(a) The term "person" means any individual, firm, copartnership, corporation, association, municipal corporation, or other type of legal entity, or any trustee, receiver, assignee, or personal representative thereof.

(b) The term "carrier" means any person who transports property, including any person engaged in express or freight forwarding operations.

(c) The terms "export freight" and "overseas freight" mean any freight destined or intended for movement offshore, by water, from any port or point in the United States to any other port or place.

(d) The term "commercial freight" means any export or overseas freight which is shipped or transported by or in behalf of or for any person other than a governmental agency to himself or to another such person and in the movement of which a governmental agency has no special interest as owner or potential owner or otherwise.

(e) The term "bank" means any place designated, selected, or established by the Transportation Control Committee in cooperation with the Board of Economic Warfare and other interested governmental agencies at a port or point in the United States for the holding or storage of export or overseas freight pending the availability of space in a vessel for the transportation thereof.

(f) The terms "O.D.T. block permit" and "O.D.T. unit permit" mean a permit issued as herein provided as evidence of, or attesting to, the fact that cargo space is available in a vessel at a port or point in the United States for the transportation therefrom to its intended destination of the export or overseas freight to which such permit applies, or that such space will be available at such port or point for such transportation within a reasonable time after arrival of the freight thereat, or that a bank is main-

tained at such port or point at or in which such freight may be held or stored pending the availability of space in a vessel for the transportation of such freight to its intended destination.

(g) The term "O.D.T. local port permit" means a permit issued as herein provided as evidence of, or attesting to, the fact that cargo space in a vessel for the transportation of the shipment or proposed shipment of export or overseas freight described in the permit to its intended destination is at the time of issuance of the permit, or immediately thereafter will be, available in the port area in which the shipment or proposed shipment is located.

(h) The term "license" means an export license issued by the Office of Export Control of the Board of Economic Warfare.

§ 502.41 *Transportation of Government export or overseas freight; block permits required.* (a) No carrier shall accept for transportation or transport to or for any governmental agency, or in its behalf or for its benefit, to any port or point in the United States for transportation therefrom by water any carload, carload via barge, or truckload of export or overseas freight unless there is outstanding a valid and effective O.D.T. block permit in respect of such freight and port or point, issued as hereinafter provided, and unless the number of such permit has been endorsed or inscribed upon the face of the waybill, bill of lading, and other shipping documents in substantially the following form: O.D.T. block permit No. QMR-WB-1408-10, or unless the permit accompanies the freight while in transit.

(1) In respect of a shipment or proposed shipment originating in the United States, an O.D.T. block permit issued by the Traffic Control Division, Office of the Chief of Transport, Headquarters, Services of Supply, War Department, consistently with the provisions of § 502.47 hereof.

(2) In respect of a shipment or proposed shipment originating in the Dominion of Canada an O.D.T. block permit issued by T. C. Lockwood, Transport Controller of the Dominion of Canada, Montreal, Quebec, Canada, consistently with the provisions of § 502.47 hereof.

(b) Applications for an O.D.T. block permit for shipments or proposed shipments originating in the United States may be made to the government procurement or purchasing agency from which the shipper secured a government contract for the manufacture, production, or sale of the articles or commodities constituting the shipment or proposed shipment, and such agency shall immediately refer the application together with its recommendations, if any, as such agency may deem desirable, to the said Traffic Control Division for the issuance of an O.D.T. block permit consistently with the provisions of § 502.47 hereof.

§ 502.42 *Transportation of commercial freight; unit permits required.* (a) Except as provided in § 502.43, no carrier shall accept for transportation or transport to any port or point in the United

States for shipment therefrom by water any commercial freight unless there is outstanding a valid and effective O.D.T. unit permit in respect of such freight and port or point, issued as hereinafter provided, and unless the number of such permit has been endorsed or inscribed upon the face of the waybill or bill of lading, transportation instructions and any other shipping documents in substantially the following form: O.D.T. unit permit No. 1P-2620-10, or unless the permit accompanies the freight while in transit.

(1) In respect of any shipment or proposed shipment, except such as are mentioned in paragraph (b) of this § 502.42, originating in the United States, and O.D.T. unit permit issued by the War Shipping Administration upon application therefor. Such application shall be presented to the owner or operator of the vessel intended to be employed accompanied by evidence that a valid license has been issued for such shipment. If there is or will be cargo space available in such vessel for such shipment or proposed shipment, such owner or operator shall transmit or convey the application, together with evidence of the issuance of said license, and evidence that space is or will be available on the vessel, to the War Shipping Administration for issuance of an O.D.T. unit permit consistently with the provisions of § 502.47 hereof.

(2) In respect of any shipment or proposed shipment, except such as are mentioned in paragraph (b) of this § 502.42, originating in the Dominion of Canada, an O.D.T. unit permit issued by T. C. Lockwood, Transport Controller of the Dominion of Canada, Montreal, Quebec, Canada, consistently with the provisions of § 502.47 hereof.

(b) In respect of any shipment or proposed shipment of 2,240 pounds or more, whether originating in the United States or the Dominion of Canada, and which is intended to or shall move by water from any port or point in the United States, destined for any port or point in any American Republic named in paragraph (c) of this § 502.42, an O.D.T. unit permit, issued by the War Shipping Administration upon application therefor. Such application shall be made by the shipper or his agent to the Office of Export Control, Board of Economic Warfare, Washington, D. C., upon a form prescribed by said Board. If said Board approves the application, the approval shall be noted thereon and the application forwarded to the War Shipping Administration for issuance of an O.D.T. unit permit consistently with the provisions of § 502.47 hereof.

(c) Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

§ 502.43 *No permits required for less-than-carload, less-than-carload via barge, and less-than-truckload commercial shipments.* Except as to shipments or proposed shipments mentioned in § 502.42 (b) hereof no O. D. T. unit per-

mit shall be required in respect of any less-than-carload, less-than-carload via barge, or less-than-truckload shipment of commercial freight: *Provided*, That the bill of lading, waybill, or other shipping or transportation document pertaining to such shipment bears on the face thereof the number of the contract with the owner or operator of the vessel in which such freight is to be shipped, and the number of the Board of Economic Warfare license issued for or pertinent to such shipment.

§ 502.44 *Transportation of export or overseas freight within port areas for loading on vessels.* No carrier shall accept for transportation or transport from storage, or from any point of manufacture, assembly, or sale, or from any bank, located in any port area any commercial freight shipment or proposed shipment of 2,240 pounds or more destined by water to any American Republic mentioned in paragraphs (b) and (c) of § 502.42 hereof, or any carload, carload via barge, or truckload shipment or proposed shipment of export or overseas freight, to any pier, wharf, or other place for loading upon any vessel, or to any vessel, in such port for transportation therefrom unless there has been issued as hereinbelow provided and there is outstanding a valid O.D.T. local port permit in respect of such shipment or proposed shipment:

(1) In respect of a shipment or proposed shipment of commercial freight, an O.D.T. local port permit issued by the War Shipping Administration consistently with the provisions of § 502.47 hereof.

(2) In respect of a shipment or proposed shipment of export or overseas freight, other than commercial freight, an O.D.T. local port permit issued by the Traffic Control Division, Office of the Chief of Transport, Headquarters, Services of Supply, War Department, consistently with the provisions of § 502.47 hereof.

§ 502.45 *Shipments or proposed shipments intended for shipment by water.* The provisions of this subpart are applicable to any shipments or proposed shipments embraced within its terms and intent regardless of the manner or style in which such shipments may be billed, or whether domestic or export rates are applied, or whether for public, railroad or private storage. Carriers and shippers must comply strictly with this subpart in respect of any such shipments.

§ 502.46 *Reconsignment.* No export or overseas freight shall be reconsigned or transported to any port or point in the United States other than that named in the O.D.T. block or unit permit covering such shipment for shipment by water from such port or point unless a new valid and effective O.D.T. block or unit permit has been issued in respect of such freight and port or point.

§ 502.47 *When O.D.T. block, unit and local port permits may be issued.* (a) No O.D.T. block permit or O.D.T. unit

permit shall be issued unless, at the time of its issuance, there is cargo space available in a vessel at the port or point in the United States named in the permit for the transportation therefrom to its intended destination of the export or overseas freight described therein, or unless such space will be available at such port or point for such transportation within a reasonable time after the arrival of the freight at the port or point named or unless a bank is maintained at the named port or point in or at which such freight may be held or stored pending the availability of cargo space in a vessel for the transportation of such freight to its intended destination.

(b) No O.D.T. local port permit shall be issued unless at the time of its issuance, or immediately thereafter, there is or will be cargo space available in a vessel at the port or point named in the permit for the transportation therefrom of the export or overseas freight mentioned in the permit.

§ 502.48 *Suspension of operation of provisions of this subpart; suspension or cancellation of O.D.T. block, unit and local port permits.* (a) The operation of this subpart or any part thereof may be suspended indefinitely or for stated periods by orders in writing issued jointly by the Director of the Division of Traffic Movement and the Director of the Division of Rail Transport of the Office of Defense Transportation in respect of any freight or traffic, the movement of which to ports or points in the United States is so controlled or handled as, in the opinion of such Directors, not to create congestion of such ports or points, or when the needs or exigencies of the war or of the military or naval forces will be better served by any such suspension.

(b) Any O.D.T. block or unit permit may be suspended or cancelled by the authority or officer which or who issued it for error in its issuance or upon the occurrence of a change in the circumstances or shipping conditions at the port or point named in such permit whereby cargo space for the shipment involved is not likely to become available within a reasonable time, and the holding or storage of the shipment in a bank is impractical or impossible or would not serve the purposes of this subpart.

(c) Any O. D. T. local port permit may be suspended or cancelled by the authority or officer who or which issued it for error in its issuance or upon the occurrence of a change in the circumstances or shipping conditions at the port or point named in the permit whereby cargo space for the shipment involved has become unavailable.

§ 502.49 *Cancellation of Instruction O.D.T. No. 1; effective dates of this subpart.* (a) Instruction O.D.T. No. 1, except § 502.11 thereof is hereby cancelled effective upon the date mentioned in paragraph (d) of this § 502.49.

(b) § 502.11 of Instruction O.D.T. No. 1 is hereby cancelled effective at midnight of July 31, 1942.

(c) § 502.42 of this subpart shall become effective August 1, 1942; and shall

\* 7 F.R. 4345, 4461.

remain in full force and effect until the further order of this Office.

(d) All other sections and provisions of this subpart shall become effective July 10, 1942, and shall remain in full force and effect until the further order of this Office.

Issued at Washington, D. C., this 6th day of July, 1942.

JOSEPH B. EASTMAN,  
Director of Defense Transportation.

[F. R. Doc. 42-6441; Filed, July 7, 1942;  
11:12 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. B-245]

#### DOWLING COAL COMPANY

#### NOTICE OF FILING OF APPLICATION FOR DISPOSITION OF PROCEEDING WITHOUT FORMAL HEARING

In the matter of Lawrence H. Dowling, doing business as Dowling Coal Company, registered distributor, Registration No. 2472.

Notice is hereby given that Lawrence H. Dowling, doing business as Dowling Coal Company, Registered Distributor, Registration No. 2472, (the "Distributor"), named in the above-entitled matter, filed an application dated June 22, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for disposition of this proceeding without formal hearing.

In said application, the Distributor admits having committed the acts and having failed to take action resulting in violations of the Code and regulations thereunder referred to in paragraphs 1, 2, 3 and 4 of the Notice of and Order for Hearing herein, consents to the entry of an order requiring him to return to Code Members all discounts and commissions received on said transactions and transactions referred to in paragraph 5 of said Notice of and Order for Hearing, and agrees to the entry of an order suspending his registration as a Distributor for a period of sixty (60) days from the date of service of said order and to an order requiring him to cease and desist from further violations.

The violations referred to in said paragraphs of the Notice of and Order for Hearing are as follows:

1. Acceptance and retention by the Distributor of a discount of 25 cents per net ton on approximately 274 tons of run of mine coal purchased by him from Forks Coal Mining Company, Code Member, and resold to Emerson Manufacturing Company during the period January 20 to March 28, 1941, whereas, the maximum allowable discount on such coal was 12 cents per net ton resulting in violation of paragraph (a) of the Distributor's Agreement filed with the Division.

2. Participating in a violation of order entered in General Docket No. 19 on October 9, 1940, by the purchase of approximately 54.15 tons of run of mine coal from J. Bruce Anderson, an individual doing business as Helen Jennings Coal Company, Code Member, and the resale thereof to Tilton Worsteds Mills, Tilton, New Hampshire, on or about January 9, 1941, although effective minimum prices, temporary or final, had not been established by the Division for said coal, resulting in violation of paragraph (e) of the Distributor's Agreement.

3. Acceptance and retention by the Distributor of a discount of 17 cents per net ton on approximately 110 tons of run of mine coal purchased by him from said J. Bruce Anderson, Code Member, and resold to said Tilton Worsteds Mills during the period January 20 to February 25, 1941, whereas, the maximum allowable discount on such coal was 12 cents per net ton, resulting in violation of paragraph (a) of the Distributor's Agreement.

4. Granting settlements or allowances of 25 cents per net ton to Manchester Gas Company and Public Service Company, both of Manchester, New Hampshire, on or about September 23, 1941, for alleged substandard preparation, on approximately 486 tons of nut and slack purchased by him from said J. Bruce Anderson, Code Member, without complying with section X of the Marketing Rules and Regulations, resulting in the sale of said coal below the effective minimum price therefor in violation of Section 4, Part II (e) of the Act and Part II (e) of the Code, and resulting in violations of Rule 1, subparagraphs (a), (b), (c) and (d) of said section X and paragraphs (b), (e) and (f) of the Distributor's Agreement.

5. Granting the settlements or allowances described in paragraph 4 above, also resulted in violations of Rules 2, 4 and 6, respectively, of section XIII of the Marketing Rules and Regulations, section 4, Part II (i), paragraphs 2, 4 and 6, respectively, of the Act, Part II (i), paragraphs 2, 4, and 6, respectively, of the Code, and paragraphs (c) and (e) of the Distributor's Agreement.

In his said application, the Distributor states that to the best of his knowledge and belief he has not committed any other violations of the Act, the Code or the regulations thereunder, whether of the same or of any other character, except as follows and as to such additional admitted violations, the Distributor agrees to the incorporation thereof in the Notice of and Order for Hearing herein by way of amendment or supplement thereto:

The Distributor made deliveries after thirty (30) days after the effective dates of spot orders for coal purchased from C. A. Hughes & Company, Cresson, Pennsylvania, Code Member, and New England Coal & Coke Company, subsales agent for Koppers Coal Company, Code Member.

Interested parties desiring to do so may file recommendations, or request for informal conference in respect to the

above-described application within fifteen (15) days from the date of this notice.

Dated: July 4, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6421; Filed, July 7, 1942;  
10:38 a. m.]

W. F. SEYMORE

ORDER REVOKING REGISTRATION

W. F. Seymore, Registered Distributor (Registration No. 8278), having advised the Division that he discontinued business as a distributor of bituminous coal on June 6, 1942, and having surrendered his Certificate of Registration as a registered distributor for cancellation, and it appearing that said registration as a distributor should be revoked;

It is, therefore, ordered, That the registration of W. F. Seymore as a distributor be, and the same is hereby revoked.

It is further ordered, That in event the said W. F. Seymore at any time subsequent hereto makes application for re-registration, as a distributor, the Division, in considering any such new application may proceed to determine to what extent, if any, the said W. F. Seymore may have violated any provisions of the Bituminous Coal Act of 1937, as amended, or any rules and regulations issued thereunder, while previously registered as a distributor, and attach such conditions to the granting of re-registration as may be consistent with such determination and the applicable provisions of the Act and the rules and regulations of the Division.

Dated: July 6, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6429; Filed, July 7, 1942;  
10:38 a. m.]

[Docket No. B-263]

CROZIER COAL COMPANY

ORDER POSTPONING HEARING AND  
REDESIGNATING EXAMINER

In the matter of E. F. Crozier and E. W. Crozier, individually and as copartners, doing business under the name and style of Crozier Coal Company, code member.

The above-entitled matter having been heretofore scheduled for hearing on July 15, 1942, at 10 a. m. at a hearing room of the Division at the U. S. District Court Room, Centerville, Iowa; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from July 15, 1942, at 10 a. m. to August 8, 1942, at 10 a. m. at a hearing room of the Division at the District Court Room, Centerville, Iowa.

It is further ordered, That Charles O. Fowler or any other officer of the Divi-

sion that may be designated for that purpose shall preside at said hearing vice D. C. McCurtain.

Dated: July 4, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6422; Filed, July 7, 1942;  
10:38 a. m.]

[Docket No. B-98]

H. G. LUCAS

ORDER CONDITIONALLY RESTORING  
CODE MEMBERSHIP

A written complaint in the above-entitled matter, dated October 13, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed with the Bituminous Coal Division (the "Division"), on October 16, 1941, by Bituminous Coal Producers Board for District No. 1, a district board, complainant; and

Pursuant to Notice of and Order for Hearing dated November 10, 1941, said matter having come on for hearing and having been heard before a duly designated Examiner of the Division at Altoona, Pennsylvania, on December 15, 1941; and

An Order having been issued herein on February 20, 1942, cancelling and revoking the membership of Harry G. Lucas in the Bituminous Coal Code (the "Code"), as of fifteen (15) days from the date of said Order, and providing, pursuant to Section 5 (c) of the Act, for the payment to the United States of a tax in the amount of \$794.51 as a condition precedent to reinstatement of H. G. Lucas to membership in the Code; and

An agreement, dated May 26, 1942, between Harry G. Lucas and Walter L. Miller, Collector of Internal Revenue, Treasury Department of the United States, Pittsburgh, Pennsylvania, and letter, dated June 22, 1942, from D. S. Bliss, Deputy Commissioner of Internal Revenue, having been filed with the Division on June 23, 1942, from which it appears that said Harry G. Lucas makes application for conditional reinstatement to membership in the Code upon his agreement to pay said tax in the amount of \$794.51 in installments as set forth in said agreement upon the understanding that in the event he fails to make any installment payment as provided in said agreement the entire balance of said tax then owing shall become due and payable and that the 19½% tax provided by section 3520 (b) (1) of the Internal Revenue Code shall be imposed upon all coal produced by said Harry G. Lucas and sold or otherwise disposed of by him on and after March 8, 1942.

Now, therefore, it is ordered, That the membership of Harry G. Lucas in the Code be and the same hereby is conditionally restored as of March 7, 1942, upon the following terms and conditions:

In the event of default in making any installment payment as provided in said agreement made May 26, 1942, between said Harry G. Lucas and Walter L. Miller, Collector of Internal Revenue, such con-

ditional restoration of code membership shall become wholly ineffective as of March 7, 1942, the entire balance of said tax then owing shall become due and payable and the 19½% tax provided by section 3520 (b) (1) of the Internal Revenue Code shall be imposed on all coal produced by said Harry G. Lucas and sold or otherwise disposed of by him on and after March 8, 1942.

*It is further ordered,* That upon the payment of said tax in full in accordance with the terms of said agreement, said Harry G. Lucas shall submit to the Division the receipt therefor issued by said Collector, or a statement by said Collector that said tax has been fully paid, and thereupon an order will be issued restoring said Harry G. Lucas to full membership in the Code.

Dated: July 6, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6431; Filed, July 7, 1942;  
10:38 a. m.]

[Docket No. B-271]

RICHARDS & SANFORD

ORDER POSTPONING HEARING

In the matter of Belmont Richards and George Sanford, individually and as copartners doing business under the name and style of Richards & Sanford, Code Member.

The above-entitled matter having been heretofore scheduled for hearing on July 31, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Franciscan Hotel, Albuquerque, New Mexico; and

The Acting Director deeming it advisable that said hearing should be postponed;

*Now, therefore, it is ordered,* That the hearing in the above-entitled matter be, and it hereby is, postponed from July 31, 1942, at 10 a. m., to August 17, 1942, at 10 a. m., at a hearing room of the Division at the Franciscan Hotel, Albuquerque, New Mexico, before the officer or officers heretofore designated to preside at said hearing.

Dated: July 6, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6423; Filed, July 7, 1942;  
10:39 a. m.]

[Docket No. 1661-FD]

BEACH COAL COMPANY

ORDER REVOKING AND CANCELLING CODE  
MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division on June 16, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 4, and having been amended to allege wilful violation by Marie Beach, doing business as Beach Coal Company, a code member in District No. 4, of the Bituminous Coal Code or rules and regulations thereunder, as follows:

That the code member with full knowledge of the requirements of the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, and with intent to violate the same, sold, during the period between January and April 1941, approximately 8,000 tons of lump, egg, nut, stoker, run of mine, and nut-slack coals produced at the Smith Mine (Mine Index No. 1628) to the Leader Coal Company of Akron, Ohio, at prices 90 cents per ton below the effective minimum prices for such coals and that the code member failed to maintain records relating to the sales and shipments of coal by truck and failed to file copies of truck tickets evidencing the sales of coal shipped by truck or a listing of such sales;

Pursuant to Order of the Acting Director and after due notice to interested persons, a hearing in this matter having been held on September 8, 1941, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Akron, Ohio, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived, and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;<sup>1</sup>

*Now, therefore, it is ordered,* That pursuant to section 5 (b) of the Act, the code membership of Marie Beach, doing business as Beach Coal Company, operating the Smith Mine (Mine Index No. 1628), located in District No. 4, be, and it hereby is, revoked and cancelled.

*It is further ordered,* That prior to any reinstatement to membership in the Code, Marie Beach, doing business as the Beach Coal Company, shall be required to pay to the United States a tax in the amount of \$6,720.21, as provided in Section 5 (c) of the Bituminous Coal Act of 1937.

Dated: July 6, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6430; Filed, July 7, 1942;  
10:39 a. m.]

[Docket Nos. A-1481 and A-1481, Part II]

DISTRICT BOARD 13

RELIEF GRANTED; NOTICE OF HEARING, ETC.

In the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

In the matter of the petition of District Board No. 13 for the revision of minimum prices for the coals of the Happy Hollow Mine (Mine Index No. 326) of J. A. Garrett and for the establishment of price classifications and minimum prices for the coals of the

Cross Roads Mine (Mine Index No. 171) of Supreme Black Creek Coal Co., Inc., for all shipments except truck.

Memorandum opinion and order severing Docket No. A-1481, Part II from Docket No. A-1481; order granting temporary relief in part in Docket No. A-1481, Part II and notice of and order for hearing in Docket No. A-1481 Part II.

The original petition in the above-entitled matter which was filed with this Division requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 13 and revising the minimum prices applicable for the coals of the Happy Hollow Mine (Mine Index No. 326) of J. A. Garrett for all shipments except truck.

As indicated in an Order issued today in Docket No. A-1481, a reasonable showing of necessity has been made for the relief prayed by the petitioner except as to certain mines as explained therein, and except as to Mine Index No. 326, and the Cross Roads Mine (Mine Index No. 171) of Supreme Black Creek Coal Co., Inc.

The original petition prays for a decrease in the minimum prices applicable to the coals in Mine Index No. 326 in certain size groups for all shipments except truck. It also prays for the establishment of price classifications and minimum prices in additional size groups for the coals of Mine Index No. 171 for all shipments except truck from Natural Bridge, Alabama, only, whereas the price classifications and minimum prices for all shipments except truck heretofore established for this mine in other size groups, by Order issued March 17, 1942, in Docket No. A-1049 Part II, are for shipments from both Natural Bridge and Eldridge, Alabama.

It appears that a hearing is necessary to determine whether the decreased minimum prices for the coals of Mine Index No. 326 proposed by the original petitioner are proper and whether both Natural Bridge and Eldridge, Alabama, are necessary as shipping points for the coals of Mine Index No. 171.

*Now, therefore, it is ordered,* That the portion of Docket No. A-1481 relating to the coals of Mine Index Nos. 326 and 171 be, and it hereby is, severed from the remainder of Docket No. A-1481 and designated as Docket No. A-1481 Part II.

*It is further ordered,* That a hearing in Docket No. A-1481 Part II under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on August 4, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

*It is further ordered,* That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine wit-

<sup>1</sup>Not filed with the original document.

nesses, take evidence, to continue said hearing from time to time, and to prepare and submit to the undersigned proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 30, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 13 for a decrease in the effective minimum prices for the coals of the Happy Hollow Mine (Mine Index No. 326) of J. A. Garrett for all shipments except truck as follows:

Size groups.....	1	2	7	13	22	23
From.....	295	295	275	280	270	260
To.....	250	250	230	230	225	220

and the determination as to whether both Natural Bridge and Eldridge, Alabama, are necessary as shipping points for the Size Groups 7, 19, 20, 21, 22, and 26 coals of the Cross Roads Mine (Mine Index No. 171) of the Supreme Black Creek Coal Co., Inc.

It is further ordered, That pending final disposition of Docket No. A-1481 Part II, temporary relief is granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 13 for All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Temporary Supplement R," annexed hereto and made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: July 6, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6432; Filed, July 7, 1942;  
10:39 a. m.]

No. 133-7

[Docket No. B-164]

REED & RENNICK

#### NOTICE OF AND ORDER FOR HEARING

In the matter of Kenneth Reed and George W. Rennick, individually and as co-partners, doing business under the name and style of Reed & Rennick, Code Member.

A complaint dated December 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, (the "Act"), having been duly filed on December 4, 1941, by Bituminous Coal Producers Board for District No. 11, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Kenneth Reed and George W. Rennick, individually and as co-partners, doing business under the name and style of Reed & Rennick (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on August 3, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the County Court House, Danville, Illinois.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either

revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That during the period October 1, 1940 to January 18, 1941, both dates inclusive, the said Kenneth Reed, whose address is Route #1, Covington, Indiana, and George W. Rennick, whose address is Cates, Indiana, individually and as co-partners, doing business under the name and style of Reed & Rennick, code member, whose code membership became effective as of August 1, 1940, sold to unknown purchasers the following described coals produced by said code member at the Reed & Rennick Mine, (formerly Cadman & Reed Mine), Mine Index No. 326, located in Fulton Township, Fountain County, Indiana, in District No. 11, at prices less than those prescribed therefor in the Schedule of Effective Minimum Prices for District No. 11 For Truck Shipments:

(a) Approximately 45 tons of 1¼" lump coal, Size Group 6, produced at said mine, at prices ranging from \$1.00 to \$2.40 per ton, whereas the effective minimum price for such coal is \$2.45 per net ton, f. o. b. said mine.

(b) Approximately 126 tons of 1¼" x ⅞" nut coal, Size Group 10, produced at said mine, at prices ranging from 80 cents to \$1.60 per ton, whereas the effective minimum price for such coal is \$1.85 per net ton, f. o. b. said mine.

(c) Approximately 15 tons of ⅞" x 7/16" coal, Size Group 10, produced at said mine, at a price of \$1.00 per ton, whereas the effective minimum price for such coal is \$1.85 per net ton, f. o. b. said mine, resulting in violations of section 4 II (e) of the Act and Part II (e) of the Code.

That said code member failed to record on the copies of the truck tickets, sales slips, invoices, and other memoranda or records, the information required by section III (b), and particularly Paragraphs 1 and 8 of Order No. 307 of the Bituminous Coal Division, and failed to maintain and keep on file mine bulletins, as required by section IV of said Order, resulting in violations of the Act, the Code and rules and regulations promulgated thereunder.

Dated: July 6, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6424; Filed, July 7, 1942;  
10:40 a. m.]

[Docket No. A-1519]

## DISTRICT 13 STOKER COAL PRICES

## NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for stoker coal for certain mines in District No. 13.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 4, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 30, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 13 for the establishment of a price classification and a minimum price for stoker coal for domestic use, 50 cents above the price established for Size Group 18 coals, for the following mines in Subdistrict No. 1, of District No. 13: Mine Index Nos. 3, 4, 6, 7, 8, 9, 11, 13,

14, 17, 18, 19, 21, 22, 23, 29, 77, 78, and 1306.

Dated: July 6, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6425; Filed, July 7, 1942;  
10:40 a. m.]

[Docket No. A-1495]

## DISTRICT BOARD 14

## NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 14 for revision of price classifications and minimum prices for certain mines in District No. 14.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 10, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Circuit Court Room, Fort Smith, Arkansas.

*It is further ordered*, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 1, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 for revision of the price classifications and minimum prices applicable to the coals of the mines enumerated in said petition in the manner and to the extent set forth therein.

Dated: July 6, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6428; Filed, July 7, 1942;  
10:41 a. m.]

[Docket No. A-1512]

## DISTRICT BOARD 2—McDONALD MINING CO.

## NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Bituminous Coal Producers Board for District No. 2 for a change in the minimum prices established for the coals of the Verner Mine (Mine Index No. 1888) of McDonald Mining Company.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 12, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N.W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 5, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern,

in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a change in the minimum prices and price classifications for coals produced in District No. 2 at the Verner Mine (Mine Index No. 1838) of McDonald Mining Company, from the present price classifications of J, J, H, H, H, J, J, and J, Size Groups 1 through 9, inclusive, to price classifications of C, C, C, C, F, F, H, H, and H, in Size Groups 1 through 9, inclusive.

Dated: July 4, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6426; Filed, July 7, 1942;  
10:40 a. m.]

[Docket No. 1766-FD]

D. & W. COAL COMPANY, CODE MEMBER

ORDER RESCHEDULING HEARING

The hearing in the above-entitled matter having been reopened by Order of the Acting Director entered herein on April 23, 1942, for further hearing on May 8, 1942, at 10 a. m. at Room 437, New Federal Building, Pittsburgh, Pennsylvania; and

The foresaid reopened hearing, upon motion of the above-named code member, having been postponed by Order of the Acting Director dated May 7, 1942 to May 28, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Washington, D. C.; and

The said hearing having been opened on May 28, 1942, and upon motion by the above-named code member, having been continued by the presiding Examiner to a place and date to be thereafter determined by further order of the Acting Director; and

It appearing to the Acting Director that the time and place of said reopened hearing should now be designated:

Now, therefore, it is ordered, That the said reopened hearing in the above-entitled matter be held on July 16, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division, 734-15th Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to where such hearing will be held.

It is further ordered, That the said Order of the Acting Director dated April 23, 1942, shall in all other respects remain in full force and effect.

Dated: July 6, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-6427; Filed, July 7, 1942;  
10:41 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Marketing Administration.

[P. and S. Docket No. 1492]

FAIRBURY LIVESTOCK CO.

### ORDER OF INQUIRY, ORDER OF SUSPENSION, AND NOTICE OF HEARING

In re Julius J. Williams, doing business as the Fairbury Livestock Company, respondent.

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181), and the following allegations are made:

1. The respondent is engaged in the business of conducting or operating a stockyard at Fairbury, in the State of Nebraska, which stockyard has been ascertained by the Secretary of Agriculture to be a "stockyard" within the definition thereof as used in the act, and which has been posted as such by the Secretary of Agriculture under the act.

2. The respondent is also registered as a market agency engaged in the business of selling livestock on a commission basis at his stockyard at Fairbury, Nebraska.

3. In accordance with the requirement of the Packers and Stockyards Act, the respondent has heretofore filed and put into effect schedules of rates and charges for his services.

4. On or about June 26, 1942, the respondent made, filed and published, effective July 7, 1942, a new schedule of rates and charges designated as Supplement No. 3 to Tariff No. 1, containing rates and charges applicable to hogs at his stockyard, which are materially greater than those set forth in the schedule now on file.

5. Upon examination of the records and other information in the possession of the Department of Agriculture, there is reason to believe that the increases proposed by such new schedule are not justified, and that such increases are, in fact, unreasonable.

6. Supplement No. 3 does not state plainly the terms and conditions under which rates are to be charged.

It is concluded that a proceeding under title III of the act should be had for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in Supplement No. 3 to Tariff No. 1, and that pending a hearing and decision in such proceeding, the operation of such tariff should be suspended and its use deferred.

It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges, and whether any stockyard service is rendered by the respondent without making a lawful charge therefor.

It is therefore ordered, That the operation and use of the tariff filed by the

respondent on June 26, 1942, and designated as Supplement No. 3 to Tariff No. 1, shall be and it is hereby suspended and deferred until the expiration of thirty days beyond the time when such tariff would otherwise go into effect.

It is further ordered, That a hearing covering the allegations made herein shall be held before an examiner at a time and place of which the respondent will have at least ten days' notice. At such hearing, the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things alleged as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, Office of the Solicitor, Department of Agriculture, Washington, D. C., on or before the first day of August, 1942.

It is further ordered, That a copy hereof be served upon the respondent by registered mail.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 6th day of July, 1942. Witness my hand and the seal of the Department of Agriculture.

THOMAS J. FLAVIN,  
Assistant to the  
Secretary of Agriculture.<sup>1</sup>

[F. R. Doc. 42-6442; Filed, July 7, 1942;  
11:13 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6131]

HENNESSY BROADCASTING CO.

ORDER DENYING PETITION, ETC.

In re application of Hennessy Broadcasting Company (new) Butte, Montana, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of July, 1942:

The Commission having under consideration the petition of Hennessy Broadcasting Company for a grant of the above-described application, and being fully informed in the premises;

It is ordered, That the said petition be, and it is hereby, denied; and

It is further ordered, That a further hearing be held upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing, public interest, conven-

<sup>1</sup> Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F. R. 2656).

ience and necessity would be served through the granting of this application.  
By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-6433; Filed, July 7, 1942;  
10:45 a. m.]

[Docket No. 6132]

BARCLAY CRAIGHEAD

ORDER DENYING PETITION, ETC.

In re application of Barclay Craighead (new) Butte, Montana, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 1st day of July, 1942;

The Commission having under consideration the petition of Barclay Craighead for a grant of the above-described application, and being fully informed in the premises;

*It is ordered*, That the said petition be, and it is hereby, denied; and

*It is further ordered*, That a further hearing be held upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing public interest, convenience and necessity would be served through the granting of this application.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-6434; Filed, July 7, 1942;  
10:45 a. m.]

[Docket No. 6267]

INDIANA BROADCASTING CORP.

ORDER DENYING PETITION, ETC.

In re application of Indiana Broadcasting Corporation (WIBC) Indianapolis, Indiana, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 1st day of July, 1942;

The Commission having under consideration the petition of Indiana Broadcasting Corporation for reconsideration and grant of the above-described application and being fully informed in the premises;

*It is ordered*, That the said petition be, and it is hereby, denied; and

*It is further ordered*, That the issues heretofore released on the application be, and they are hereby, amended to read as follows:

1. To determine the extent of any interference which Station WIBC operating as proposed, would cause to the service of Station CBA, Sackville, N. B. (Appendix II, Table I, NARBA).

2. To determine the extent of any interference which would result from the simultaneous operation of Station WIBC as proposed and Station WINK during daytime hours.

3. To determine the areas and populations which may be expected to lose primary service during daytime hours, particularly from Station WINK, should Station WIBC operate as proposed, and what other broadcast service is available to these areas and populations.

4. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

5. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

6. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether in view of the facts adduced under the foregoing issues the granting of the application would serve public interest, convenience and necessity.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-6435; Filed, July 7, 1942;  
10:45 a. m.]

[Docket No. 6288]

ASSOCIATED BROADCASTERS, INC.,

ORDER DENYING PETITION, ETC.

In re application of Associated Broadcasters, Inc. (new) Indianapolis, Indiana, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 1st day of July, 1942;

The Commission having under consideration the petition of Associated Broadcasters, Inc. for a grant of the above-described application, and being fully informed in the premises;

*It is ordered*, That the said petition be, and it is hereby, denied; and

*It is further ordered*, That the application be heard upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the foregoing, public interest, convenience and necessity will be served through the granting of this application.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-6436; Filed, July 7, 1942;  
10:45 a. m.]

[Docket No. 6302]

PENINSULA BROADCASTING CO. (WBOC)

ORDER DENYING PETITION, ETC.

In re application of Peninsula Broadcasting Company (WBOC), Salisbury, Maryland, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of July 1942;

The Commission having under consideration the petition of Peninsula Broadcasting Company for a grant of the above-described application, and being fully informed in the premises;

*It is ordered*, That the said petition be, and it is hereby, denied; and

*It is further ordered*, That the application be heard upon the following issues:

1. To determine whether the granting of this application is consistent with the Commission's Memorandum Opinion of April 27, 1942;

2. To determine whether, in view of the foregoing, public interest, convenience, and necessity will be served through the granting of this application.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-6437; Filed, July 7, 1942;  
10:45 a. m.]

[Docket No. 6090]

HERALD PUBLISHING CO.

ORDER DENYING PETITION, ETC.

In re application of Herald Publishing Company, Klamath Falls, Oregon, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 1st day of July 1942;

The Commission having under consideration the petition of the Herald Publishing Company praying in substance that no action be taken on its application or the application of Dorman Schaeffer which would prejudice the right of either applicant to proceed with the prosecution of its (or his) application, and being fully informed in the premises;

*It is ordered*, That said petition be, and it is hereby, denied; and

*It is further ordered*, That issues Nos. 1 to 4 set forth in the Commission's Order of March 10, 1942 be, and they are hereby, stricken; and

*It is further ordered*, That the further hearing be held upon the following issues:

1. To determine whether the granting of the application would be consistent with the policy announced by the Commission in its Memorandum Opinion, dated April 27, 1942.

2. To determine whether in view of the facts adduced under all of the issues, the granting of this application would serve

public interest, convenience and necessity.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-6438; Filed, July 7, 1942;  
10:46 a. m.]

[Docket No. 6091]

DORMAN SCHAEFFER

ORDER DENYING PETITION, ETC.

In re application of Dorman Schaeffer, Klamath Falls, Oregon, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of July 1942;

The Commission having under consideration the petition of Dorman Schaeffer for reconsideration and grant of the above-described application and being fully informed in the premises:

*It is ordered*, That the said petition be, and it is hereby, denied; and

*It is further ordered*, That the issues set forth in the Commission's Order of March 10, 1942, be, and they are hereby, stricken; and

*It is further ordered*, That the further hearing be held upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the facts adduced under all of the issues, public interest, convenience and necessity will be served through the granting of this application.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-6440; Filed, July 7, 1942;  
10:46 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Administrative Order 20]

ROLAND J. STANGER

ORDER OF AUTHORIZATION

Pursuant to the authority conferred upon the Administrator by War Production Board Directive No. 1, as supplemented, and by Executive Order No. 9125, the following order of authorization is prescribed:

(a) In connection with investigations concerning alleged violations of the several Ration Orders and Rationing Regulations which have heretofore or may hereafter be issued, Roland J. Stanger, Chief of the Sanctions Unit of the Rationing Section, is, so long as he continues as chief of said unit, authorized to sign and issue subpoenas requiring any person whose attendance and testimony is necessary or proper to the conduct of said investigations to appear and testify

or to appear and produce documents, or both.

(b) In connection with the investigations referred to in paragraph (a) above, said Roland J. Stanger is, for the said period, authorized to sign and issue notices of hearings and to hold and conduct hearings concerning said violations, to administer oaths and affirmations, and to exercise any discretion necessary or appropriate to the proper conduct of said hearings.

(c) The authority conferred by this order may be exercised at any place.

Issued and effective this 3rd day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6406; Filed, July 6, 1942;  
5:20 p. m.]

CHARLES VEITCH

SUSPENSION ORDER MODIFIED

Order on petition for reconsideration of Suspension Order No. 2 under Ration Order No. 5 Emergency Gasoline Rationing Regulations.

On June 22, 1942, in accordance with the provisions of Temporary Procedural Regulation No. 4 (7 F.R. 4296), Charles Veitch, Mobilgas-Socony Vacuum Station, Dyckman Street, Inwood Plaza, New York, New York, filed a petition for reconsideration of Suspension Order No. 2, issued against the petitioner on June 15, 1942. This petition for reconsideration set forth certain facts which had not been presented at the hearing on the charges against the petitioner held in New York City, New York, on June 11, 1942. This written evidence having been duly considered by the Acting Deputy Administrator,

*It is hereby ordered*:

(a) That Suspension Order No. 2 be and it is hereby modified to expire 12:01 A. M., July 3, 1942;

(b) That as so modified said order be and it is hereby affirmed. (Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1H (7 F.R. 562, 3478, 3877))

Issued this 2d day of July 1942.

PAUL M. O'LEARY,  
Acting Deputy Administrator.

[F. R. Doc. 42-6416; Filed, July 6, 1942;  
5:30 p. m.]

JAMES SCHWARTZ

SUSPENSION ORDER MODIFIED

Order on petition for reconsideration of Suspension Order No. 4 under Ration Order No. 5, Emergency Gasoline Rationing Regulations.

On June 28, 1942, in accordance with the provisions of Temporary Procedural Regulation No. 4 (7 F.R. 4296), James Schwartz d/b/a Jim and Paul Service Station, 3331 Broadway, New York, New

York, filed a petition for reconsideration of Suspension Order No. 4, issued against the petitioner on June 15, 1942. This petition for reconsideration set forth certain facts which had not been presented at the hearing on the charges against the petitioner held in New York, New York, on June 11, 1942. This written evidence having been duly considered by the Acting Deputy Administrator,

*It is hereby ordered*:

(a) That Suspension Order No. 4 be and it is hereby modified to expire 12:01 A. M., July 3, 1942;

(b) That as so modified said order be and it is hereby affirmed. (Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1H (7 F.R. 562, 3478, 3877))

Issued this 2d day of July 1942.

PAUL M. O'LEARY,  
Acting Deputy Administrator.

[F. R. Doc. 42-6415; Filed, July 6, 1942;  
5:30 p. m.]

[Docket No. 3122-21]

DAVID DUFF AND SON

ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICING

Order No. 4 under Maximum Price Regulation No. 122'—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers.

On June 5, 1942 David Duff and Son, 640 Pleasant Street, New Bedford, Massachusetts, filed a petition for an increase in its maximum prices established by § 1340.261 of Maximum Price Regulation No. 122, and also requested permission for adjustable pricing as provided in § 1340.253 thereof.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration, and § 1340.253 of Maximum Price Regulation No. 122, it is hereby ordered:

(a) On and after June 5, 1942, with respect to its sales of bituminous coal over its wharf to governmental, institutional and industrial purchasers under contract, David Duff and Son may enter into agreements to charge not more than the applicable maximum price subject to an agreement that if the disposition of its petition in Docket No. 3122-21 permits an increase in any of its maximum prices, it may then adjust prices upon deliveries made during the pendency of the petition, in accordance with the disposition thereof.

(b) This Order No. 4 may be revoked or amended by the Price Administrator at any time, and in any event is to be effective only to the date of final dis-

<sup>1</sup> 7 F.R. 3239, 3666, 3856, 3940, 3941.

<sup>2</sup> 7 F.R. 971, 3663.

position of the petition by the Price Administrator.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein.

(d) This Order No. 4 shall become effective the 7th day of July, 1942. (Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6420; Filed, July 7, 1942;  
9:49 a. m.]

[Docket No. 3122-28]

T. A. D. JONES AND COMPANY, INC.

#### ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICING

Order No. 3 Under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers.

On June 15, 1942, T. A. D. Jones and Company, Inc., 205 Church Street, New Haven, Connecticut filed a petition for an increase in its maximum prices established by Maximum Price Regulation No. 122, and also requested permission for adjustable pricing as provided in § 1340.253 thereof.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, and § 1340.253 of Maximum Price Regulation No. 122, it is hereby ordered:

(a) On and after June 15, 1942, with respect to its sales of bituminous coal for industrial use from its docks at New Haven and Bridgeport, Connecticut, T. A. D. Jones and Company, Inc. may enter into agreements to charge not more than the applicable maximum price subject to an agreement that if the disposition of its petition in Docket No. 3122-28 permits an increase in any of its maximum prices, it may then adjust prices upon deliveries

<sup>1</sup> 7 F.R. 3239, 3666, 3656, 3940, 3941.

<sup>2</sup> 7 F.R. 971, 3663.

made during the pendency of the petition, in accordance with the disposition thereof.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time, and in any event is to be effective only to the date of final disposition of the petition by the Price Administrator.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein.

(d) This Order No. 3 shall become effective the 7th day of July, 1942. (Pub. Law 421, 77th Cong.)

Issued this 6th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-6419; Filed, July 7, 1942;  
9:49 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-50, 59-39, 59-10]

NORTH AMERICAN LIGHT & POWER COMPANY,  
ET AL

#### ORDER POSTPONING HEARING

In the matter of North American Light & Power Company, North American Light & Power Company Holding-Company System, the North American Company, and the North American Company, et al.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of July, A. D. 1942.

The Commission having on June 18, 1942, issued its Notice of Filing of Applications No. 3 and No. 4 and Order for Hearing in the above entitled consolidated proceedings heretofore held pursuant to sections 11 (b), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 and said order having set the date for the hearing on July 9, 1942; and

It appearing to the Commission that it is necessary to postpone the date of said hearing and the applicants having consented to said postponement;

It is ordered, That the hearing in this matter be, and it hereby is, postponed to July 16, 1942, at 10:00 A. M., said hearing to be held at the office of the Securi-

ties and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated by the hearing room clerk in Room 318.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-6453; Filed, July 7, 1942;  
11:42 a. m.]

[File No. 811-398]

NORTH AND SOUTH AMERICAN CORPORATION

#### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of July, A. D. 1942.

An application having been filed by North and South American Corporation pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application be held on July 14, 1942 at ten o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Street, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-6454; Filed, July 7, 1942;  
11:42 a. m.]